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ABSTRACT

This congressional hearing examines the problems facing women who seek jobs in fields traditionally dominated by men, particularly in construction and high technology areas. Witnesses include women who tell about barriers they personally have faced as they seek careers in high-tech and construction, who lead organizations that are working hard to break down those barriers, and who represent the viewpoint of unions and employers regarding this problem. Representatives of the Reagan administration tell what they have done and what they plan to do in the future. Testimony includes statements and prepared statements from individuals representing Human Resources Development, Ohio Department of Transportation; Federal Highway Administrator, Department of Transportation; Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation (DOT); DOT Office of Civil Rights; Women's Bureau, U.S. Department of Labor; Office of Federal Contract Compliance Programs; Non-Traditional Employment for Women; Southeast Women's Employment Coalition; National Women's Law Center; Women and Employment, Inc.; International Brotherhood of Electrical Workers, AFL-CIO; Wider Opportunities for Women; American Electronics Association; Committee on Women's Employment and Related Social Issues, National Research Council, National Academy of Sciences; Women's Technical Institute; and The Housing Advocates, Inc. (YLB)

S. Hrg. 100-447

WOMEN IN THE NONTRADITIONAL WORKFORCE

HEARING

BEFORE THE

SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

EXAMINING THE PROBLEMS FACING WOMEN WHO SEEK JOBS IN FIELDS TRADITIONALLY DOMINATED BY MEN, PARTICULARLY IN CONSTRUCTION AND HIGH TECHNOLOGY AREAS

NOVEMBER 17, 1987

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CONTENTS

STATEMENTS

Tuesday, November 17, 1987

Page

Austin, Sharon R., deputy director, Human Resources Development, Ohio Department of Transportation, prepared statement 225
Barnhart, R.A., Federal Highway Administrator, Department of Transportation, prepared statement (with enclosure) 160
Bouchey, Amparo B., Director, Office of Small and Disadvantage Business Utilization, U.S. Department of Transportation, accompanied by Bill Hudson, director, DOT Office of Civil Rights, and Ed Morris, deputy director, Federal Highway Administration, Office of Civil Rights; and Shirley Dennis, director, Women's Bureau, U.S. Department of Labor, accompanied by Jerry D. Blakemore, director, Office of Federal Contract Compliance Programs 130
    Prepared statements of:
        Mr. Bouchey 133
        Ms. Dennis 143
        Mr. Blakemore 180
Boyd, Mary Ellen, executive director, Non-Traditional Employment for Women, prepared statement 237
Chaney, Linda J., prepared statement 229
Davis, Portia, Chillicothe, OH; Toni Cousett, Cleveland, OH; and Wendy Johnson, executive director, Southeast Women's Employment Coalition, Lexington, KY, accompanied by Marcia Greenberger, National Women's Law Center 6
    Prepared statement of:
        Ms. Davis (with enclosure) 9
        Mr. Johnson 18
        Ms. Greenberger 34
Diehl, Lisa, Women and Employment, Inc., prepared statement 188
Executive Department, Office of the Governor, State of Ohio (amended executive order 84-9) 216
Feblowitz, Jill, representative, Local 103, International Brotherhood of Electrical Workers, AFL-CIO, Boston, MA; Cynthia Marano, executive director, Wider Opportunities for Women, Washington, DC, and Derrel De Passe, director, Governmental and Community Affairs, Varian Associates, Palo Alto, CA, on behalf of American Electronics Association 86
    Prepared statements of:
        Ms. Feblowitz 89
        Ms. Marano 101
        Ms. De Passe 117
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah, prepared statement 4
O'Farrell, Brigid, study director, Committee on Women's Employment and Related Social Issues, National Research Council, National Academy of Sciences, prepared statement 189
Scott, Barbara, Melrose, MA; Sherri Davis, Boston, MA; and Sharyn Bahn, executive director, Women's Technical Institute, Boston, MA 66
    Prepared statement of Ms. Bahn 72
The Housing Advocates, Inc., prepared statement 211

ADDITIONAL MATERIAL

Questions and answers:
    Responses of Ms. Bahn to questions submitted by Senator Kennedy 83

WOMEN IN THE NONTRADITIONAL WORK FORCE

TUESDAY, NOVEMBER 17, 1987

U.S. SENATE,
SUBCOMMITTEE ON LABOR,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room SD-430, Dirksen Senate Office Building, Senator Howard M. Metzenbaum (chairman of the subcommittee) presiding.

Present: Senators Metzenbaum and Kennedy.

OPENING STATEMENT OF SENATOR METZENBAUM

Senator METZENBAUM. This hearing of the Subcommittee on Labor of the Labor and Human Resources Committee will come to order.

I have called today's hearing to examine the problems facing women who seek higher paying jobs, more challenging jobs, in fields traditionally dominated by men.

American women need to work. They want to work. And, like their male colleagues, they want jobs that are emotionally fulfilling and economically rewarding.

But today in this country, millions of women are not getting that chance. They become dieticians instead of engineers, typists rather than technicians, waitresses instead of welders, and cashiers rather than carpenters.

It is not a new problem. For decades, working women have been confined to lower paying fields such as retail sales, food services, and clerical work.

In the 1960's, the Federal Government began to respond. Congress enacted civil rights laws mandating that employers provide equal pay for equal work and prohibiting sex discrimination by employers and unions. Presidents Johnson, Nixon and Carter issued Executive orders imposing nondiscrimination and affirmative action obligations on Federal Government contractors and their subcontractors.

New laws have made a difference. We have made progress. To take just one example, affirmative action enforcement efforts met with great success in the coal mining industry during the 1970's. The result was that the percentage of women hired in the industry went from zero to 8.4 percent in 7 years. By December 1980, more than 3,000 women had become coal miners.

But sometimes, progress can be hard to detect. Nearly half of all working women are still employed in just four occupations: clerks, salespersons, waitresses and hairdressers. Moreover, in 1957, American women earned just 64 cents for every dollar earned by American men.

And, as the chart behind me shows, in 1987 women still earn only 64 percent of what men earn in this country. That is a disgrace and a tragedy.

I do not buy the argument advanced by some that women are not going after more challenging employment because they need to stay home with their children. Most women work because they need to work, and they want the best jobs they can possibly get. But women have been stuck in low-paying, dead-end jobs because significant obstacles bar them from male-dominated occupations.

These barriers are complex and far-reaching. They include stubborn refusals to hire women and overt sexual harassment on the job. But they also include more subtle factors such as inadequate education and training resources, and the acceptance and perpetuation of cultural stereotypes.

As a government and as a society, we must do more to break down these barriers. Today's hearing will focus on efforts by women to enter two traditionally male fields—construction and high technology.

The incentive for women to enter high-tech jobs is clear. It is one of the fastest-growing industries in the country, and likely will remain so into the 21st century.

Women have worked in the high-tech field for years. But as this chart shows, jobs in the field are sex-segregated. The blue is the percentage of jobs held by men, and the red is the percentage of jobs held by women. It is quite obvious that in the higher paying jobs, the women get the short end of the stick and in the lower paying jobs, the women predominate.

Electronic and electrical engineers, an occupation that is only 4 percent female, had average weekly earnings of $600 in 1982. But electronic and electrical assemblers, or production workers, who are 70 percent female, average earnings of $245 per week.

In the computer industry, computer service technicians, who service and maintain machines, are 10 percent female. Their average weekly earnings are $430. By contrast, data entry operators, who are 94 percent female, have average earnings of only $240 per week.

We also will look at the employment of women in the construction industry. Levels of pay and job satisfaction are high in this industry. But as the chart behind me shows, women are restricted in the construction industry as well. While women hold 80 percent of office and clerical jobs, they hold only 10 percent of the professional jobs, as seen in the chart on the far left side, and a stunningly low 1.5 percent of skilled craft jobs.

We will hear today from four courageous women who can tell us about the barriers they personally have faced as they seek careers in high-tech and construction. We will hear from women who lead organizations that are working hard to break down those barriers. We will hear from women who represent the viewpoint of unions and employers regarding this problem. And we will hear from the

Reagan Administration as to what it has done and, I hope, what more it plans to do in the future.

I look forward to the testimony of the witnesses as we begin to explore this critically important issue.

Before we start hearing from the first panel of witnesses we will receive for the record a statement by Senator Hatch.

[The prepared statement of Senator Hatch follows:]

STATEMENT OF SENATOR HATCH

LABOR SUBCOMMITTEE HEARING: WOMEN IN NON-TRADITIONAL WORK

NOVEMBER 17, 1987

I commend my colleague, Senator Metzenbaum, for holding this hearing on the employment of women in non-traditional work. In fact, this hearing could be considered an update of the hearings I held just after becoming chairman of this committee in January and April 1981. I still think this is an important topic.

As a result of those initial, informative hearings, the Labor and Human Resources Committee took several steps to help break down the barriers faced by women seeking employment in non-traditional jobs. We wrote sex equity provisions into the Job Training Partnership Act, we designed the single parent and homemaker provisions of the Carl Perkins Vocational Education Act, and we reauthorized the Women's Educational Equity Act. I hope that we can continue forward with these kinds of programs.

In reading over some of the written testimony, I was pleased to note that many gains have been made. Unions are becoming more supportive. Businesses are sponsoring educational programs in math and science. Male coworkers are becoming more accepting of women working along side of them. But we understand that the difficulties are not yet completely licked. Our goal is to break down the remaining gender-related barriers and throw the doors wide open for women to make their own occupational choices.

Again, I hope that these hearings will help us achieve these commonly held goals and look forward to reviewing all of the testimony from our witnesses this morning.

Senator METZENBAUM. Our first panel consists of Toni Cousett, Cleveland, OH; Portia Davis, of Chillicothe, OH; and Wendy Johnson, Executive Director, Southeast Women's Employment Coalition of Lexington, KY.

We will ask you, Ms. Davis, if you would proceed first. We have a 5-minute rule limitation on statements to be made, and the light will go on at four minutes, and then one minute later, a red light will go on which indicates your time has expired.

STATEMENTS OF PORTIA DAVIS, CHILLICOTHE, OH; TONI COUSETT, CLEVELAND, OH; AND WENDY JOHNSON, EXECUTIVE DIRECTOR, SOUTHEAST WOMEN'S EMPLOYMENT COALITION, LEXINGTON, KY, ACCOMPANIED BY MARCIA GREENBERGER, NATIONAL WOMEN'S LAW CENTER

Ms. DAVIS. Good morning, Senator Metzenbaum.

I am Portia Davis. I live in Chillicothe, OH, where I was born and raised. I want to thank you for the opportunity to speak to the issues concerning women in the trades this morning.

Following a divorce in 1979, I joined the ranks of female single heads of households. I had two children, ages 10 and 2 years old, to raise. By late summer of 1981, I had completed 2 years of college and had been employed for 16 months as a timekeeper for a local construction company.

In June 1981, I was accepted into Local 1255's carpenter apprenticeship program. I was ecstatic, to say the least. I would not only be making an above-average wage; I would also enjoy retirement and insurance benefits. I would even be able to afford to finish college upon completion of my apprenticeship. But most important, my children and I would have dignity and hope for the future.

My hopes were nearly shattered several times due to the never-ending discrimination. It was one of the most formidable challenges I have ever faced, but I am proud to say I graduated from Local 104, Dayton, OH, in the summer of 1985.

In the winter of 1983, I was forced to transfer my book from Local 1255 to Local 104 because I could not get employment in the Chillicothe area. During this same period, there was a contractor doing work at the Veterans Administration Hospital, which was only 10 minutes from my home. They had no women on the payroll. I had applied several times to no avail.

It was a very difficult choice: the welfare line, or leave town to work and leave my children with their father.

My work history included working for five contractors, three of whom were federally funded. I worked as a carpenter from August of 1981 to December of 1984. I endured 18 months of unemployment during this three and a half year period. One period of unemployment lasted for 14 months. Thirteen of the months I did work were out-of-town.

Some of the discriminatory experiences that I endured while employed were as follows: I was grabbed below the belt by a foreman while I was running a power saw. My hands and fingers were approximately 6 inches from that blade. Even though my general contractor's labor steward witnessed the incident, when my general foreman spoke to me about it, he informed me that he did not trust women, and how did he know that I was not trying to set the man up.

There were continual sexist remarks and practices, many of which were very vulgar and all totally inappropriate.

I was told more than once to quit my job, go home with my kids where I belonged, and go on welfare.

I was ordered to chalk lines on the floor by my superintendent because he told me he wanted to watch me bend over.

When I complained about continual harassment from my tool buddy, who wanted me to go out with him, I was threatened with layoffs.

When we worked with caulking guns, there were continual explicit sexual gestures and references made to the male body, accompanied by grunts and groans.

Once, when I was using the portable toilet, the door swung open and there stood one of my male coworkers. There were no words to express my embarrassment. I had continually requested that the latch be repaired on the john.

Men do not suffer from these types of demeaning and threatening experiences. In addition, they enjoy a much higher quality of on-the-job training.

I was continually shifted from one phase of the job to a different job altogether, without having the opportunity to see one from beginning to end. When I was unable to perform a job, I was criticized.

I was continually assigned to menial tasks and clean-up chores which do not provide for skills training. I was made to take food orders at lunch time and breaks, which robbed me of several hours of training each week.

I was continually denied access to blueprint reading.

I was continually referred to as "Hey, girl" or addressed by the wrong name by my superintendents and foremen.

Superintendents and foremen were responsible for approximately 90 percent of all the harassment I experienced. The majority of my coworkers developed a level of respect for me or, at a minimum, tolerance for me because they understood why I was there. They had the same reasons.

To answer the inevitable question as to why I just did not give up is because I needed to feed, clothe and house myself and my children.

I suffered a neck injury in October of 1984, and as a result, I am no longer able to work in the construction field. I returned to college, and upon completion of my degree, I plan to pursue construction from the administrative side.

In closing, it is imperative that the lack of EEO and affirmative action enforcement and noncompliance by Federal contractors be addressed.

Mr. Reagan's attitude toward EEO and affirmative action has resulted in low operating budgets and skeleton-size work forces within the enforcement agencies.

But the bottom line is the lack of compliance by Federal contractors who are enjoying multi-million-dollar profits. They blatantly violate the EEO and affirmative action provisions that are designated in their contracts with the Federal Government.

I want to thank this Senate Committee in advance for swift Congressional action that will ensure immediate and tangible solutions to the issues and problems addressed in these hearings.

Thank you very much for the honor of your audience.

Senator **Metzenbaum**. Thank you very much, Ms. Davis. That was an excellent statement.

[Information supplied for the record by Ms. Davis follows:]

December 7, 1987

Portia A. Davis
555½ Church Street
Chillicothe, OH 45601

Mr. James W. Powell
Senate Committee on
Labor & Human Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Powell:

I was one of the witnesses at the Senate Subcommittee Hearings that addressed women in construction and high tech jobs which was held in November of this year.

Following the hearings, I spoke with Senator Metzenbaum about some issues I wanted to add to my testimony. He told me to put it in a letter at his office that afternoon. Time did not permit this to happen so I am writing now in order to get it on the record.

I filed two sex discrimination complaints with the EEOC in Cincinnati, OH on December twenty ninth, nineteen hundred eighty four against:

Acmat Corporation, Charge Number 057850715

Monarch Construction Company, Charge Number 057850716

Both of these contractors were federally funded and were doing work for Wright Patterson Airforce Base in Fairborn, OH at the time I was subject to discriminatory employment practices from them.

To date there has been no determination made by the commission!!!!

I spoke with Mary McLain, the woman in the Cincinnati office who has been handling my cases. She informed me today that my file had been sent to the legal unit of the Cleveland EEOC this past summer in the care of:

Mr. Robert Bauders,
Regional Attorney
1375 Euclid Avenue
Sixth Floor
Cleveland, OH 44115

I asked her why I had not been notified of this and she said that usually within a couple of weeks after a claim is received there is a determination made and the claimant is notified. This has not been so in my case. Until today, I thought my claims were still in the Cincinnati office.

I would really like to know the reason for the length of time that my case has taken and who is responsible for the delay. It is totally unacceptable to me that I have had no correspondence from the commission on the status of my complaints. I have no logical concept as to why things are being handled in such an untimely fashion. I hope that your office can find out.

I do hope Senator Metzenbaum is able to find out what is happening and is able to correct this situation not only in my case, but for all the many thousands of others who are experiencing the same types of problems in trying to correct the deplorable situations they have to face due to discrimination in employment.

The final point I would like to make is that there are no penalties for violating Title VII via EEOC or through the courts. There is nothing in the law to make awards for punitive or compensatory damages other than for wage loss.

The new Immigration and Control Act mandates fines and penalties for discrimination due to national origin. I am very pleased that this at least is a reality. There needs to be a minimum of the same for discrimination due to sex, race, age, religion and handicapped also.

Thank you for the opportunity to add to my testimony. Please keep me informed as to what takes place in the future regarding this matter.

Sincerely,

Portia a Davis

Portia A. Davis

Enclosures: 4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CINCINNATI AREA OFFICE
550 MAIN STREET
CINCINNATI, OHIO 45202
TELEPHONE: 684-2851

IN REPLY REFER TO:
Charge No. 057850716
Davis, Portia v. Monarch Constru
ion Co.

Ms. Portia Davis
44½ Glenwood Avenue
Dayton, OH 45405

Dear Ms. Davis:

The Commission will begin the investigation of your charge of discrimination referenced above within the next thirty (30) to sixty (60) days. We cannot proceed with our investigation until we have heard from you.

If you wish to proceed with your charge, please complete the enclosed form and return immediately.

Should you fail to respond to this request within thirty (30) days, the Commission will dismiss your charge.

Sincerely,

E. Mayfield

EUGENIA MAYFIELD, Supervisor
Cincinnati Area Office

DATE 4/15/85

sent form in 4-18-85

ATTN: Ms. J. Mayfield
Supervisor

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CINCINNATI AREA OFFICE
550 MAIN STREET
CINCINNATI, OHIO 45202
TELEPHONE: 684-2851

IN REPLY REFER TO:
Charge No. 057850715
Davis, Portia v. Acmat Corporati

Ms. Portia Davis
44½ Glenwood Avenue
Dayton, OH 45405

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Sincerely,

E. Mayfield

DATE 4/15/85

EUGENIA MAYFIELD, Supervisor
Cincinnati Area Office

Sent form on
4-18-85
ATTN:
Ms. J. Mayfield
Supervisor

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.

ENTER CHARGE NUMBER
☐ FEPA
☐ EEOC

______________________________ and EEOC
(State or local Agency, if any)

NAME (Indicate Mr., Ms., or Mrs.): Davis, Portia
HOME TELEPHONE NO. (Include Area Code): 513/277-4760
STREET ADDRESS: 44½ Glenwood Avenue
CITY, STATE AND ZIP CODE: Dayton, Ohio 45405
COUNTY: Hamilton

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME *(If more than one list below.)*

NAME: ACMAT CORP.
NO. OF EMPLOYEES/MEMBERS: 15+
TELEPHONE NUMBER (Include Area Code): 513/878-0316
STREET ADDRESS: Wright Patterson AFB P. O. Box 187
CITY, STATE AND ZIP CODE: Fairborn, Ohio 45321

NAME:
TELEPHONE NUMBER (Include Area Code):
STREET ADDRESS:
CITY, STATE AND ZIP CODE:

CAUSE OF DISCRIMINATION BASED ON *(Check appropriate box(es))*
☐ RACE ☐ COLOR ☒ SEX F ☐ RELIGION ☐ NATIONAL ORIGIN
☐ AGE ☐ RETALIATION ☐ OTHER(Specify)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE *(Month, day, year)*:

THE PARTICULARS ARE *(If additional space is needed, attached extra sheet(s))*:

I. I am a Caucasian, female. I have been employed with Acmat Corporation as a 3rd year apprentice carpenter since April 16, 1984. Since my employment, I have been continuously sexually harassed and discouraged drom working there.

II. Acmat Corporation has discouraged me and other women from working for them because of our sex and have done nothing to stop the sexual harrassment. No reason has been given for their practices.

A) The Acmat Corporation has not met the minimal requirements of the office of Federal Contract Compliance to hire a certain percentage of women in the construction trade.

B) Acmat Corporation and their agents and employees made sexually derogatory remarks, propositioned me, then made life difficult for me when I would not give in to their remarks and demands.

C) Acmat Corporation did nothing to eliminate the sexually harrassing and sexually discriminatory enviroment..

D) I believe women were laid off for short periods of time more often than males.

E) Females have been denied the opportunities for proper training and advancement.

☐ I also want this charge filed with the EEOC.
I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

12/29/84
Date

Portia A. Davis
Charging Party (Signature)

SIGNATURE OF COMPLAINANT X Portia A. Davis

Ross County, Ohio
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) 12/29/84
Lifetime Commission

EEOC FORM 5 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED

55

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.	ENTER CHARGE NUMBER ☐ FEPA ☐ EEOC

______________________________ and EEOC
(State or local Agency, if any)

NAME (Indicate Mr., Ms., or Mrs.) Davis, Portia		HOME TELEPHONE NO. (Include Area Code) 513/277-4760
STREET ADDRESS 44½ Glenwood Avenue	CITY, STATE AND ZIP CODE Dayton, Ohio 45405	COUNTY Hamilton

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME *(If more than one list below.)*

NAME Monarch Construction	NO. OF EMPLOYEES/MEMBERS 15+	TELEPHONE NUMBER (Include Area Code) 513/351-6800
STREET ADDRESS 1654 Sherman Avenue	CITY, STATE AND ZIP CODE Cincinnati, Ohio 45212	Hamilton
NAME		TELEPHONE NUMBER (Include Area Code)
STREET ADDRESS	CITY, STATE AND ZIP CODE	

CAUSE OF DISCRIMINATION BASED ON *(Check appropriate box(es))* ☐ RACE ☐ COLOR ☒ SEX F ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE ☐ RETALIATION ☐ OTHER(Specify)	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year) 04-13-84

THE PARTICULARS ARE *(If additional space is needed, attached extra sheet(s)):*

I. I am a Caucasian, female. I was employed as a 3rd year apprentice carpenter for Monarch Construction Co. from January 4, 1984 until April 13, 1984 when I was forced to quit Monarch Construction Co. because continuous sexual narrasement.

II. Monarch Construction Company has discouraged me and other women from working for them because of our sex and have done nothing to stop the sexual harrassment. No reason has been given for their practices.

A) The Monarch Company has not met the minimal requirements of the office of Federal Contract Compliance to hire a certain percentage of women in the construction trade.

B) Monarch Construction Company and their agents and employees made sexually derogatory remarks, propositioned me, then made life difficult for me when I would not give in to their remarks and demands.

C) Monarch Construction did nothing to eliminate the sexually harrassing and sexually discriminatory enviroment.

D) I believe women were laid off for short periods of time more often than males.

E) Females have been denied the opportunities for proper training and advancement.

☐ I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary to meet State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct. 12/29/84 Portia A Davis Date Charging Party (Signature)	SIGNATURE OF COMPLAINANT Portia A Davis X X Ross County, Ohio SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) Nancy A King 12/29/84

EEOC FORM 5 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED

Senator **Metzenbaum**. Our next witness is Toni Cousett, of Cleveland.

Ms. **Cousett**. Good morning.

I would like to first give honor to God and everyone who is responsible for having me here today.

I live in Cleveland, OH; I have a 5-year-old son and I own my own home. I was previously working for Parker-Hanofen, a factory job, for about 9 years. All of a sudden, one day, I had no job. It was just like, you know, "Your job is closing down. We are moving to North Carolina."

So I am stuck with taking care of my son. What should I do?

So I talked to several of my friends, and they said, "You should go into construction."

I went to the union hall to pursue a job. I gave them my name and my phone number. As I was walking out the door, the gentleman called me back, into the office, right then and there. After being out of a job at Parker-Hanofen in July, I started my first construction job in August of 1986.

I worked for a company putting up guard rails and flagging traffic and everything like that. I enjoyed doing the work. It was good money, good benefits, and I could take care of my home. I am a good person for the job.

On the other jobs I had, I was always the only woman on all my jobs, first of all; I was always, "Hey, girl," "Hey, baby," "Hey, honey, why don't you go out with me?"—always talked about. I was told to go and get cigarettes, told to go get this. I was never trained on any of my jobs.

The last job I had, the second day before I was laid off, I was taught how to use the roller, which was very good experience, but I still was not being trained on the job. I have had four jobs previously. Now I am starting on my fifth job that I just started one week ago. I am on the job now.

All the jobs I have ever had, I have only worked 20 days. I have worked 2 or 3 days here, 2 or 3 days there. I am on call constantly. They call me at 10:30 at night or 6:30 in the morning; it really does not make any difference. I am always the first one laid off as far as I can see.

On some of my jobs, the Equal Opportunity woman came out to the job to see if I was filling the training slot. I said yes. She asked me was I getting any type of training. Never was I getting any training. Learning the use of the roller was the only training that I had ever had.

On most of my jobs, there was no port-a-john. I am out there in the hot sun, drinking water and pop, trying to keep cool, and there was never a john. No one ever came to say, "Do you have to go to the bathroom?" or anything. All the time, I had to drive to use the bathroom on my lunch break, take time out to use the bathroom on my lunch break.

I am now in the process of losing my home because I have no money. The jobs are always scarce. I have hardly been working since August of 1986, and I have only had 196 hours of work, which is nothing compared to what I can do. I want to do the job. I know I can do the job. All I want is a chance to prove myself.

That is it.

Senator **Metzenbaum**. Thank you very much for an excellent statement, Ms. Cousett.

Ms. Johnson, we are very happy to have you with us.

Ms. **Johnson**. Thank you, Senator Metzenbaum.

I want to thank you for the opportunity to be here to discuss the various employment issues and barriers faced by women seeking jobs in federally funded road construction work.

With me are Marcia Greenberger and Doreena Wong, of the National Women's Law Center, who will help to field questions after the testimony.

Also with me are tradeswomen from Kentucky and Ohio, who have come here to show their support for seeking equity for themselves and other women in the road construction industry.

In light of the pressing economic needs that confront women in today's society, the total failure of government enforcement of existing laws designed to promote equal opportunity and the recent court decision in *Johnson* v. *Department of Transportation* in Santa Clara County, CA, which upheld the validity of affirmative action in this context, a hearing on this matter has never been more timely and important.

Each year, the Federal Government spends billions of dollars building roads across the country—roads that run through large urban centers, past farms and small towns. We are here today to talk about ensuring that women in these cities and rural towns get jobs helping to build the roads. We are here today to talk about enforcing the laws so that these women and their families can take full advantage of the opportunities these jobs bring with them.

The very fact of Government involvement in highway construction means that a canopy of laws, regulations and administrative structures is theoretically called into play to ensure equal access to these jobs, financed through public tax dollars. Unfortunately in most cases, this guarantee is more a myth than a reality. Occupational segregation by race and gender is the rule rather than the exception, compliance enforcement has been unconvincing or nonexistent, and traditional hiring practices and blatant discrimination have resulted in a work force that is overwhelmingly composed of white men, particularly in the higher paying skilled jobs.

Instead, weak enforcement of equal employment opportunity laws and consequently unpunished intransigence in the industry have shut the vast majority of women out of the industry.

Barriers to women's employment in the construction industry have been well articulated by my two panel members and for the sake of reiteration they include inadequate or nonexistent recruitment; lack of access to jobs, training and promotions; inadequate training; lack of support from unions; sexual harassment and hostility at the job site; and safety and health hazards.

The issue of discrimination and highway construction is also critically important because of the staggering amounts of Federal investment involved. Just this year, Congress overrode President Reagan's veto of an $88 billion, 5-year authorization for highway spending.

What is at stake here? Money and jobs in significant numbers and at sizable salaries.

With this new highway bill, economists estimate that between 325,000 and 800,000 jobs will be created as a result of this 5-year tax-supported commitment, and women deserve an even chance to compete for these jobs which, after all, are financed by their tax dollars.

The appalling lack of commitment to enforcing equal employment opportunity by State departments of transportation and the arrogant disregard for the reporting requirements mandated by Federal law, have a massive and pernicious impact. Federal dollars are literally pouring into State coffers while many States fail to comply with the basic nondiscrimination measures required by law.

The examples are plentiful. Females comprised less than 10 percent of Georgia DOT employees, and no women at all served in official, administrative or skilled craft positions.

The Missouri Department of Highways and Transportation has not had an approved Equal Employment Opportunity Program since 1981.

And in Ohio, the DOT there paid 3,688 employees $16,000 to $33,000 per year. Only 350 of those employees were females.

Job development in federally financed highway road construction has the potential of compelling a serious offensive against occupational segregation of women. However, the current administration must assume its responsibility to ensure that the billions of Federal dollars allocated to highway road work provides equal benefit to women and minorities.

Since 1980, SWEC, with the National Women's Law Center as its representative, has been seeking equity for women in the industry through the administrative complaint process. In order to resolve that complaint, the following steps should be taken immediately.

OFCCP and DOT should engage in a meaningful effort to enforce the existing laws. The 1984 findings regarding State DOT employment practices uncovered blatant and pervasive discrimination. Followup to the State DOT investigation should include the development of affirmative action plans that address outreach and recruitment, adequate training opportunities, sexual harassment prohibitions, adequate grievance process, and goals and timetables.

State DOT should also engage in aggressive monitoring of private contractors receiving Federal dollars to ensure compliance.

And finally, OFCCP should join this effort by taking a serious look at the employment practices of private contractors.

Thank you.

Senator METZENBAUM. Thank you very much.

[The prepared statement of Ms. Johnson follows:]

SEWEC
Southeast Women's Employment Coalition

TESTIMONY

OF

WENDY JOHNSON, EXECUTIVE DIRECTOR

SOUTHEAST WOMEN'S EMPLOYMENT COALITION

ON

"EMPLOYMENT OF WOMEN IN NON-TRADITIONAL WORK"

BEFORE THE

SUBCOMMITTEE ON LABOR

OF THE

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

NOVEMBER 17, 1987

382 Longview Drive • Lexington, Kentucky 40503 • (606) 276-1555

Chairman Metzenbaum and Members of the Subcommittee on Labor:

My name is Wendy Johnson, and I am the Executive Director of the Southeast Women's Employment Coalition ("SWEC"). Created in 1979, SWEC is a multi-racial organization of leaders working to create opportunities for grass roots working women and women who want to work in the southeast region. Our goal is to empower women in their communities around employment and workplace issues and to create activists working for race and sex equity, as well as fair and safe employment in the workplace of their choice.

I want to thank you for the opportunity to discuss employment barriers faced by women seeking jobs in the federally funded highway construction industry. These barriers are not restricted to road construction, but apply across the board to all jobs in general construction.

In light of the pressing economic need that confronts women in today's society, the total failure of government enforcement of existing laws designed to promote equal opportunity, and the recent court decision, Johnson v. Department of Transportation, which upheld the validity of affirmative action in this context, a hearing on this matter has never been more timely and important.

Each year the federal government spends billions of dollars building roads across the country -- roads that run through large urban centers, and past farms and small towns. We are here today to talk about ensuring that women in these cities and rural towns get jobs helping to build the roads. We are here today to talk about enforcing the laws so that these women and their families can take full advantage of the opportunities these jobs bring with them.

The very fact of government involvement in highway construction means that a canopy of laws, regulations, and administrative structures is theoretically called into play to ensure equal access to these jobs financed through public tax dollars. Unfortunately, in most cases this guarantee is more a myth than a reality. Occupational segregation by race and gender is the rule rather than the exception, compliance enforcement has been unconvincing or nonexistent, and traditional hiring practices and blatant discrimination have resulted in a workforce that is overwhelmingly composed of white men, especially in the higher paying skilled jobs.

Barriers to women's employment in the construction industry include: inadequate recruitment; lack of access to jobs, training and promotions; inadequate training; no support from the unions; sexual harassment and hostility at the job site; and health and safety hazards. (Letters from women who suffer every day from these problems will be forwarded at a later date to be included with this testimony.)

Discrimination in the federally financed highway construction industry is especially significant -- and shameful -- in light of the growing destitution of this nation's women and children. Simply put, women need jobs with good pay and benefits to support themselves as single heads of households with dependent children. Employment in highway construction, especially within the states' own internal workforce, can provide women with job security. If nondiscrimination laws are enforced, women employed in this field and their families can receive higher pay and other otherwise unavailable benefits such as health insurance. For example, a woman entering entry level road jobs can increase her wages by 200 percent. Moreover, construction jobs often do not require extensive past work experience or training and can provide an entry and education for positions in the lucrative skilled trades.

Instead, weak enforcement by the present administration of equal employment opportunity laws and the resulting unpunished intransigence in the industry have shut the vast majority of women out of the industry. In 1985, many of these unemployed and underemployed women and their children composed three-quarters of the poor in this country, and fully one-third of households maintained by women lived below the poverty line. Nearly 66 percent of Black and Hispanic families with incomes below the poverty level were headed by women.

Further, the wage gap that accompanies rigid sex-specified job segregation has been allowed to persist. Department of Labor ("DOL") statistics for 1985 demonstrate that women over the age of 25 with four or more years of college who worked full time only earned 64 percent of similar salaries earned by men. Again, the situation was even more acute for women of color. Black women earned about 59 percent of what men earned, Hispanic women only 55 percent.

The issue of discrimination in the highway construction industry is also critically important because of the staggering amounts of federal investment involved. Just this year, Congress overrode President Reagan's veto of an $88 billion, five year authorization for highway spending. Money and jobs in significant number and at sizeable salaries are at stake. The private or external sector employs approximately 200,000 workers and provides primarily new construction activity. The internal workforce of state departments of transportation provides general maintenance and capital improvements of existing roads and numbers more than 250,000 blue and white collar workers nationally. In some states, the Department of Transportation is the single largest employer. With the new Highway Bill, economists estimate that between 325,000 and 800,000 jobs will be created as a result of this five year tax supported commitment. Women deserve an even chance to compete for those jobs, which, after all, are financed by their tax dollars.

In 1980, SWEC, along with 17 other organizations, sought to use the power of the law by filing two complaints with the federal government. We charged 35 of the country's largest private construction firms and 51 state departments of transportation with sex-discriminatory hiring and employment practices in road construction projects paid for with federal funds.

SWEC made some progress in its effort to obtain jobs for women in the first complaint, filed with the Department of Labor's Office of Federal Contract Compliance Programs in 1981. That office enforces Executive Order 11246, ironically given its potential for effectiveness, a law that has been under recent attack by the Reagan administration. The complaint resulted in investigations of 36 companies. Because of the information gained from these investigations, the Department of Labor required 27 companies to issue letters of commitment to hire women and minority men; the Department also required 10 companies to enter binding agreements to set specific affirmative action goals for the recruiting of women and minority men to work in federal highway construction jobs. The DOL efforts showed how serious the problem is -- but the governmental follow-up needed to ensure that changes were really made has been sadly insufficient.

The second complaint was filed with the U.S. Department of Transportation ("DOT"), charging employment discrimination in the state departments of transportation and lack of enforcement of anti-discrimination regulations. Unfortunately, our experiences with the U.S. Department of Transportation have been even more frustrating than with DOL, for it required an enormous effort even for the U.S. DOT to take any action. Although it is the Department of Transportation that bears the main responsibility to monitor discrimination in highway construction, its initial response was that technically the law it was obligated to enforce only covered race discrimination, not sex discrimination. That response was wrong. It was also unacceptable.

In 1982, Congress passed the Gas Tax Amendments, which spelled out explicitly that federally funded highway programs must include guarantees of equal employment opportunity for women, and that those guarantees are to be enforced by the Department of Transportation. It removed any excuses for a DOT refusal to act on the SWEC complaint. Armed with the 1982 Gas Tax Amendment language, SWEC, the National Women's Law Center, and the Coal Employment Project were finally able to secure an investigation of the SWEC complaint after five years of legal wrangling. The resulting data revealed extensive race and sex discrimination in all state DOTs reviewed. White males have been the consistent beneficiaries of higher salary ranges and training opportunities, while women and minorities have been segregated in the lowest salary range with few opportunities for training and promotion. The appalling lack of commitment to enforcing equal employment opportunity by state departments of transportation, as well as the federal government, and the arrogant disregard for the reporting requirements mandated by federal law, have a massive and pernicious impact. Federal dollars are literally pouring into state coffers while many states fail to comply with the basic nondiscrimination measures required by law. The examples are plentiful. As recently as 1984, o a mere 17% of California DOT employees were female, and more than half worked in office clerical positions. There was only one full-time compliance specialist administering and monitoring affirmative action in a program that receives $1 billion in federal aid.

o Females comprised less than 10% of Georgia DOT employees, and no women at all served in official, administrative or skilled craft positions.

o Five out of six female Maryland DOT employees were paid less than $16,000 per year. Minorities comprised 27% of the Maryland DOT workforce, but 46% of all disciplinary actions were lodged against minority employees.

o The Missouri Department of Highways and Transportation had not had an approved Equal Employment Opportunity program since 1981.

o Women comprised 12.3% of New York's DOT workforce, and black women only one-half of one percent.

o Ohio DOT paid 3,680 employees $16,000 to $33,000 per year. Only 350 of those high employees were female.

These six states are not unusual. Based on information we obtained from the DOT investigation, it seems that virtually every state has a failing record. What is the result of this record of bias and discrimination? More than 80% of employed women are now concentrated in the lowest paying industries -- clerical, service, manufacturing and sales. Fewer than 4% of higher paying, highway jobs are held by women, and an appalling one-fourth of one percent by minority women. It should be clear that women need expanding employment opportunities in higher paying job sectors. And it cannot be dismissed by the myth that women are not interested in construction jobs. There are literally thousands of qualified women and minority workers willing to give a hard, honest day's work for the kind of pay these jobs offer. A few years ago SWEC ran an advertisement in two Kentucky newspapers offering training and job placement to women willing to do road construction. We were literally deluged with over 600 pleas to be included in the program. Anyone who doubts the sincerity of these women are invited to look at excerpts from those letters in Appendix A.

Job development for women in the federally financed road construction industry has the potential of compelling a serious offensive against occupational segregation of women. However, if women are to gain equity and economic opportunity in the road construction industry, full attention must be given to the issue with widespread participation from women leaders, policy makers, public officials, job developers, and the like. Our hope for continued change lies in our ability to stimulate a renewed commitment to creating equal access for women to highway road work; a commitment that is sustained by the belief that expanding women's employment opportunities to higher paying job sectors (such as road construction work) is one of the most critical ways to move women forward economically.

In that spirit, we call for: enforcement of present EEO laws; withdrawal of highway funds for those private contractors in non-compliance with equal opportunity guidelines; expanded training opportunities for women desiring to enter the trades; increased recruitment by state departments of transportation and private contractors that speak specifically and encouragingly to women; the involvement of local women's employment programs in recruitment efforts; the assurance that at least 20% women comprise all registered apprenticeship programs with the percentage growing over time; and most importantly, the involvement of grassroots women who will begin to assert their right to a better and more humane way of life, by insisting on equal access to a national industry supported by their tax dollars.

Women and minorities seeking new opportunity must have the law on their side. We cannot forever shut women and minorities out of the jobs and promotions due them. The old boy network, with its standard of bias, must not be allowed to prevail and it must never again be sanctioned by our tax dollars. Thank you.

APPENDIX A

Southeast Women's Employment Coalition
P.O. Box 1357 Lexington, Kentucky 40590 (606) 276-1555

EXCERPTS FROM RESPONSES TO JOB NOTICE RUN IN SUMMER OF 1981 IN LOUISVILLE COURIER-JOURNAL & LEXINGTON HERALD-LEADER

"This creative employment program is new to me, but I sure wish I had known about it years before. For me to work a job that has not in the past been a traditional job for a woman would be my ultimate goal. I've tried for years to find a way to get into this kind of work and failed but hope now this is the door for a new type of future job. To me there is nothing more rewarding than to finish a day of hard physical labor, lots of sweating, blisters, etc."

"I feel I can do construction because I have always been a hard worker. I am a mother of six girls. I am the bread winner in my home. My pay is now $8,040.00 per year. When you are the only one trying to make it for six people and you love them you are willing to do what is necessary to provide for them. I know I can work construction."

"I am a divorced mother of two young daughters trying to make it on my own. The jobs I'm qualified for, office work and waitressing, do not pay enough for me to pay bills and feed and clothe my kids let alone have any savings or money to go out. I know that construction work pays well and is hard and dirty work and I know that with proper training I can do good work. I have been on welfare since March 1st and I want to get off it. Please help me. You won't regret it."

"I feel that I am well-suited for the job. I am very strong and healthy, and am used to fairly hard work. Also, I am the mother of four children and am raising them on my own with help from the welfare agency and I would like to be able to support them independently."

"I have 2 children, 7 and 9 years old. I just got a divorce and I really need a job but don't have clothes for a regular job but I have blue jeans."

"I want a good paying job and I don't care how hard the work is. I am trying to raise three children by myself. I have been on my job for 16 months and haven't missed a day because I was sick. I have worked four weeks with my leg in a cast. Please give me a chance."

"I am currently holding down 1 full time and 2 part time jobs in order to support my family and myself. Every other weekend I work 16 hours Saturday and 16 Sunday. All 3 jobs are traditional female jobs — low paying. I work 7 days every week. I am very interested in finding outdoor work."

more

***"Principles, not policy; justice, not favor;
Men, their rights and nothing more; women, their rights and nothing less."***

Add one

"I would like nontraditional work because there is not much future for a woman without education or experience where she can amount to much of anything. I need to work not only for myself, but because I am trying to raise two small children."

"I am very much interested. I know I can do the work required; I have previously worked for Ford Motor Company which called for some very hard labor under very hot conditions. This, of course, was before my lay-off. Since that time I have been forced to accept a conventional office job with the Department of Motor Vehicles which I'm not as pleased about doing and would happily accept a job in highway construction."

"My previous job, which I left 5 months ago, was farming. I worked in the field with machinery, trucks, tractors, and milked and cared for 60 herd of cattle 6 days a week. I am very much interested in outdoor work, and very dependable."

"I have been a medical secretary/bookkeeper for eleven years and am very much interested in the opportunity of working on this highway construction project. I am a hard working person and don't mind getting dirty. I feel that I would be an asset to the construction crew."

-30-

Senator **Metzenbaum**. Very seldom does the Chairman of the Committee have an opportunity to have in the audience a group of hardhats, but women in construction from Ohio and Kentucky have travelled to Washington for this hearing at their own expense. I am impressed with their commitment, and I want to recognize them.

Will the women with the hardhats be good enough to stand up? [Applause.]

Senator **Metzenbaum**. We are very pleased to have you with us.

Let me ask you, either Ms. Davis or Ms. Cousett, if you could point to one thing that the Federal Government should do and could do to help you and other women seeking construction jobs, what would it be?

Ms. **Davis**. I think first of all that they should enforce the laws that are on the books. It is not being done; the numbers prove it. There are a lot of good provisions in Executive Order 11246, and if they would cut the money—I mean, once in a while, I will have to give them credit, they do go in and make findings of probable cause through EEO complaints and that type of thing, but the problem is that they are not issuing sanctions. So a slap on the wrist, anyone can take that, but if you pull those contractors' ability to bid on jobs for 5 years or 7 years or whatever the amount of time is, they are going to start obeying the law, and things are going to change.

Senator **Metzenbaum**. In your efforts to remain employed, has your union been supportive?

Ms. **Davis**. Unfortunately, no. My union has never gotten me one job.

Senator **Metzenbaum**. And Ms. Cousett, has your union been supportive?

Ms. **Cousett**. Yes, very.

Senator **Metzenbaum**. They have been supportive.

Ms. **Cousett**. Very.

Senator **Metzenbaum**. So that really, there is a distinction.

Ms. **Cousett**. It is usually the companies. You know, the union gets me in the door, but it is up to the company to keep me there.

Senator **Metzenbaum**. Have any of the employers complained about the kind of work you do, Ms. Cousett? I mean, have you lost your job because an employer said you were not doing your job well?

Ms. **Cousett**. Oh, no, oh, no. Always, they like me; they always call me back for two or three more days and then lay me off.

Senator **Metzenbaum**. And Ms. Davis, you indicated that 90 percent of the sexual harassment you had on the job came from the supervisors, not from your fellow workers?

Ms. **Davis**. That is correct; in addition to the other 10 percent that did come from my coworkers, supervision was aware of that, and by law it is their responsibility to ensure that if the practice does happen, that it stops. And they are not setting up the type of atmosphere that allows for the right type of attitude.

When your foreman or your superintendent comes up and sexually harasses you in front of your coworkers, that sets a tone that the women are free game for whatever. It is very difficult.

Senator **Metzenbaum**. I have a couple questions for you, Ms. Johnson, and then I am very pleased to see that the distinguished chairman of the overall committee has joined us, and I will call upon him, if he does not mind waiting for just a minute or two.

Ms. Johnson, what commitments would you want from the Department of Transportation in the next 12 months regarding your complaint?

Ms. **Johnson**. I think this complaint that has been outstanding by SWEC since 1980 needs to be moved forward significantly. And if we can get the U.S. Department of Transportation to look at 25 State department of transportation affirmative action plans and mandate corrective action plans that are acceptable and show some substance, then that would be a significant step forward in the resolution of our complaint.

At the same time, we would ask U.S. DOT or OFCCP to identify ten of the largest contractors throughout the United States to investigate what their employment and hiring practices have been, to see, too, if these individuals need to come up with affirmative action plans that have some substance and some meat and will provide access for women to the jobs that are being created by tax dollars.

Senator **Metzenbaum**. As you know, there is a new Secretary of Labor up for confirmation, and I think many of us on the Labor Committee will be concerned about her commitment to enforcement of the presently existing law and regulations. My guess is that this will be a major matter of inquiry when she comes before us for confirmation.

Ms. **Greenberger**. Senator Metzenbaum, I wonder if I might add something also, and I know how important this Committee has been in its oversight responsibilities for the Department of Labor and here now with respect to the Department of Transportation.

When I looked at the written testimony submitted by both of these departments, there was not one concrete enforcement effort discussed by either department. I know with respect to the Department of Transportation how hard the Southeast Women's Employment Coalition has worked to force them in essence to review the complaint against all the State departments. They concede that they found enormous disparities in women's employment opportunities, yet we are aware of no compliance corrective action plan that has been required for any of the States to this date. And SWEC's complaint was filed in 1980.

They are so far from any serious enforcement effort. All I have seen in these written statements with respect to both the Department of Transportation and OFCCP are vague promises about training efforts of their own staff—nothing about what they are going to do with respect to the State departments or private contractors; no concrete plan required for even one State that we are aware of.

Senator **Metzenbaum**. I am aware of the fact that there is very little in the statements of the Government representatives coming before us. I think that is one of the reasons it is particularly valuable that the new Secretary of Labor will be up for confirmation before our committee soon, and I think it is important that we get some commitment from her as to what she is prepared to do in this area, because they certainly have not been doing that which should be done in the past.

Senator Kennedy, do you have any questions, or an opening statement?

Senator **Kennedy**. Mr. Chairman, if I could, first of all, apologize to some of the witnesses for not being here for their presentation, but I will look forward to reviewing their testimony.

And perhaps just for a couple of minutes, Mr. Chairman, if I could, I would like to make a very brief statement. I want to first of all commend you for holding the hearing on women in nontraditional work. I believe that the testimony presented today will provide valuable information about the complex challenges that face women entering nontraditional jobs.

Work in America is changing rapidly. Our economy is moving from a manufacturing base to a service base, and women are playing an integral role in that transition. But more often than not, women are the assemblers of microchips, not the supervisors.

There are heavy concentrations of women in low-paying jobs in today's economy. Seventy-seven percent of women workers are employed in clerical, service, retail sales, and factory operator jobs. Sixty-three percent of minimum wage workers are women. And after years of efforts to close the gap, women still earn only 64 cents for every dollar earned by men.

Women are less likely to be impoverished and more likely to receive equal pay when they are employed in nontraditional jobs. Some of the witnesses this morning will tell stories of the dramatic turn-arounds that occurred in their lives when they entered new frontiers of the labor market.

Where once they struggled to put food on the table, now they are striving for promotions, higher education and wider opportunities for their children. Where before they were fighting a losing battle in society, they are now making gains. And their friends, neighbors, sons and daughters can look up to them as role models.

As women change their own lives, they are also creating change in the traditional economy. Every day at work, they are breaking down the barriers that keep women out of male-dominated, high-paying jobs, and at the same time, they are building hope for the next generation of women in the work force and laying the foundation for a fairer economy in the future.

But stumbling blocks remain, and they are often subtle and deeply ingrained in our social fabric. We need to do more to eliminate the barriers such as inadequate education, inflexible training and lack of opportunities for child care.

This morning's hearing presents us with a clearer picture of women in the contemporary work force, the successes that have been achieved and the obstacles still to be overcome. With this information, Congress can make a better judgment about the practical steps we can take to ensure full equality of opportunity for women in the work place.

I look forward to working with you, Mr. Chairman, and the Committee to shape the new legislation needed to achieve this fundamental social goal.

And I thank the witnesses for their testimony and for their presentations.

Senator **Metzenbaum**. Thank you very much, Senator Kennedy.

Ms. Davis. Senator Metzenbaum, could I add one thing to the question that you asked me previously about what the Federal Government might do?

Senator Metzenbaum. Surely.

Ms. Davis. It is really important that if and when sanctions are imposed on contractors for violation of noncompliance that whatever corrective action is mandated as a result of the sanctions, that there is a followup, because of the EEO complaints that have been filed, where probable cause has been found, and where some corrective action was brought about, there was no followup. And the contractors are aware of that, and if you punish a child and tell him to go to his room, and you do not check on him, he is probably going to sneak out in the back yard and continue to do whatever it was he was doing that got him up there in the first place.

So it is really important that when sanctions are issued that it is followed up and made sure that whatever corrective action was mandated is actually done for the time period that it is supposed to be followed through on.

Senator Metzenbaum. I notice some unions do and some do not help, some are not supportive. And I remember you told me when I met with you earlier this morning that there was a denial of the effectiveness of regulation 11246 by a union leader with whom you spoke.

Ms. Davis. Right. It is in my contract, and he said it was not in my contract. So it is very upsetting.

Senator Metzenbaum. Well, it seems to me the internationals might perhaps send a reminder out that there is a need to implement these programs at the local level, and I think that might be a worthwhile prod on their part.

Thank you very much. Ms. Greenberger would you be good enough to identify yourself for the record, please?

Ms. Greenberger. Yes. I am Marcia Greenberger, with the National Women's Law Center. We represented the Southeast Women's Employment Coalition in the complaint they filed against the Department of Transportation.

Senator Metzenbaum. Thank you for helping us this morning.

I want to thank each of you ladies. You have been very helpful in your testimony, and we look forward to continuing to work with you.

Thank you very much.

[The prepared statement of Ms. Greenberger follows:]

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STATEMENT OF

MARCIA D. GREENBERGER AND

DOREENA WONG

NATIONAL WOMEN'S LAW CENTER

ON

"EMPLOYMENT OF WOMEN IN NON-TRADITIONAL WORK"

SUBMITTED TO THE

SUBCOMMITTEE ON LABOR

OF THE

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

DECEMBER 1, 1987

The National Women's Law Center ("NWLC") has been involved for many years in monitoring the enforcement of current federal laws that prohibit discrimination in the workplace and in efforts to secure better paying non-traditional job opportunities for women. We represent the Southeast Women's Employment Coalition ("SWEC") in its 1980 administrative complaint filed with the U.S. Department of Transportation ("U.S. DOT" or "Department") alleging discrimination on the basis of sex in federally-funded road construction projects.

Discrimination in employment is a major cause of the economic problems women suffer. Sex-based discrimination in employment is a combination of attitude and action that prevents women from being hired for and promoted to certain jobs, and from being paid adequately for the work they perform.

To improve women's economic well-being, it is necessary not only to end unlawful wage discrimination, but also to remove discriminatory barriers to the employment of women in higher-paid, traditionally male fields. It is the obligation of the government to enforce the anti-discrimination laws on both of these fronts, if employment discrimination is to be eliminated. Unfortunately, however, government enforcement has been sadly lacking -- with particularly serious consequences suffered by women seeking to enter non-traditional employment fields.

I. Problems of Women in Non-Traditional Employment

The presence of women in non-traditional occupations is generally minimal. To understand the magnitude of the problems faced by women in non-traditional employment, some statistics may be helpful. In 1985, of the 36 million women employed in nonprofessional occupations, such as clerical, sales, service, and plant and factory jobs, 67% were still working in female-dominated positions -- those jobs in which 75% or more of the workers are women.[1]

Non-traditional jobs accounted for only 11% of the rapidly growing female paid labor force.[2] Women comprised 2% of the general pool of construction workers; they were only 0.5% of brickmasons and stonemasons, 1.2% of carpenters, and 3.1% of construction laborers.[3] In 1981, women were only 5.7% of painters, 1.6% of electricians, and 0.4% of plumbers and pipefitters.[4] In 1984, women comprised a mere 2.4% of skilled craft workers[5], and in 1985, women still held less than 10% of all skilled trade jobs.[6] The U.S. DOT's investigation in 1985 revealed that nationwide, less than 4% of highway jobs were held by women, and only 0.25% were held by women of color.[7] Such figures should serve as a powerful reminder that minority women continue to suffer from the devastating double burden of sex and race discrimination.

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[1] Tarr-Whelan, L. and Isensee, L., eds., Women's Economic Justice Agenda, "Affirmative Action," 45 (1987) [hereinafter "Women's Agenda"].

[2] Id.

[3] Bureau of Labor Statistics, U.S. Department of Labor, Employment and Earnings (January, 1986).

[4] Women's Bureau, United States Department of Commerce, Time of Change: 1983 Handbook on Women Workers 59 (1983) [hereinafter "1983 Handbook"].

[5] Hammerman, H., A Decade of New Opportunity -- Affirmative Action in the 1970s, Table 3, "Occupational Distribution of Employed Women," 125 (1984).

Similarly small percentages of registered apprentices in the building trades were women. In 1979, women were 8.9% of apprentice electricians, 4.5% of apprentice carpenters, 3.6% of apprentice electricians, and 1.7% of apprentice plumbers.[8] These small percentages of women receiving training in the trades serve to perpetuate the low numbers of women who gain journeyworker status.

Of the 11 million women in managerial or professional occupations, three-fifths remained in traditionally female -- and therefore undervalued -- teaching and nursing jobs.[9] A 1986 Equal Employment Opportunity Commission ("EEOC") Report revealed that in state and local government in 1984, men held 87% of all street and highway jobs and 79% of all police protection positions, while women constituted 72% of all employees in hospital and sanitarium work. Over one-third of all women working for pay are employed in only ten of the 503 occupations listed by the Federal Bureau of the Census.[10]

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[6] Wider Opportunities for Women, Program & Policy Agenda 1986-1988, at 2 (Spring, 1986).

[7] U.S. Department of Transportation Investigative Report -- Draft; in response to SWEC complaint (July, 1985).

[8] B. Reskin & H. Hartmann, eds., Women's Work, Men's Work 102 (1986) [hereinafter "Women's Work"].

[9] Women's Agenda, "Affirmative Action," supra n. 1 at 45.

The pattern of job segregation of women and men is closely connected to the payment of lower wages to women. The historical and continuing sex segregation between and within occupations contributes to a wide and persistent gap between women's and men's wages. Most of us are familiar with the fact that, when employed full-time, women earn on the average only about 60% of the wages earned by men.[11] Moreover, two-thirds of all minimum wage earners are women; only 1% of women in the labor force earn more than $25,000; and one-third of full-time women workers earn less than $7,000 annually.[12]

The wage differential plays a significant role in the recent and alarmingly rapid feminization of poverty. Women and children represented three-fourths of those defined officially as poor in 1985, with a great many of them living in single-parent households.[13] Although female-headed families made up only 16% of all families nationwide in 1985, they were nearly half of the 7.2 million families below the poverty line.[14]

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[10] 1983 Handbook, supra n. 4 at 9.

[11] Women's Work, supra n. 8 at 1.

[12] Women's Agenda, "A Look at Women Today," supra n. 1 at 3, 7.

[13] Id. at 3.

[14] Id. at 7.

Workplace segregation also has had other detrimental consequences for women. It has contributed to sex-based differences in retirement income, increased female susceptibility to unemployment, disadvantages in on-the-job training, less job and occupational mobility, lower occupational prestige, higher stress due to hostile environments, and an inequitable division of labor within households.[18]

The barriers preventing women from gaining employment in the construction trades have been of particular concern to women's rights advocates because entry level wages in the construction industry are often far higher than the wages earned by experienced workers in traditionally female jobs. Moreover, there are often opportunities for on-the-job training and for advancement in construction; these are particularly valuable to the many women lacking vocational training or marketable work experience.

The small number of women employed in the construction industry is not due to lack of interest among women. Their interest in construction jobs has been proven time and again through outreach programs for non-traditional jobs for women.[19] Nor is it due to a lack of qualified applicants. Usually all persons seeking work in the construction trades for the first time are unskilled, and they receive training either on the job or in classroom programs after being employed.[17]

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[18] Women's Work, supra n. 8 at 10-17.

[19] 43 Fed.Reg. 20764 (May 12, 1978); 43 Fed. Reg. 14893 (April 7, 1978).

The construction industry, including private employers and independent contractors, raises obstacles for women. Recruitment for the skilled trades is too often a function of word of mouth communications and nepotism, which has a disproportionate effect on women and minorities who have been systematically denied access to those in the industry.[18] The existing lack of women in construction reinforces these contractors' prejudiced beliefs that female employees are incapable or unsuitable.

"Referral unions" have also had a long history of discriminatory practices.[19] This history is particularly troubling in light of the control that unions have over hiring and training in the 40% of the industry that is unionized.[20] Using discriminatory entry requirements, many unions have historically restricted their membership to white males. Admission to union training and apprenticeship programs has often been a prerequisite for union membership, but has been conditioned on unnecessary age, education, and experience requirements that disproportionately exclude minorities and women. Unions have not only controlled the labor pool through arbitrary admission requirements, they have also operated blatantly discriminatory and unaccountable hiring halls, and have engaged in "referral" agreements with building contractors. All of these practices restrict severely the employment opportunities open to women and minorities.

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[17] Special Studies Section, Office of Federal Contract Compliance Programs, Women in Construction 20, 25 (May 7, 1981) [hereinafter "Women in Construction"].

[18] Id. at 20-21.

[19] See generally U.S. Commission on Civil Rights, The Challenge Ahead: Equal Opportunity in Referral Unions 23-31, 104-11 (1976).

[20] Women in Construction, supra n. 17 at 25.

The result of this well-documented discrimination is that, despite the existence for more than two decades of legal prohibitions against sex discrimination, women remain virtually excluded from much of the economic and vocational opportunities in the construction industry.

II. The Role of Government Enforcement

The federal government deserves much of the blame for the abysmal numbers of women in the construction industry. Lax government monitoring and enforcement of anti-discrimination laws and affirmative action requirements are a major cause for the continuing inequity. Executive Order 11246[11] requires that those who contract with the U.S. government and its agencies not discriminate in their employment practices. The Executive Order program, which has existed in some form since 1941, is designed to promote equal opportunities and to ensure that federal funds are not paid to contractors who discriminate in their employment practices and policies. It covers contractors and subcontractors on all federal government jobs of $10,000 or more, and on groups of jobs valued at that level within any twelve month period. Executive Order 11246 has been and must continue to be an effective tool for removing the many barriers to federally-assisted construction projects.

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[11] 3 C.F.R. 339 (1964-65 Comp.), as amended by Exec. Order No. 11375, 3 C.F.R. 320 (1967), reprinted in 42 U.S.C. Section 2000e. The prohibition against sex-based employment discrimination took effect on October 14, 1968.

To enforce the Executive Order, the Office of Federal Contract Compliance Programs ("OFCCP") and its predecessor agency, the Office of Federal Contract Compliance ("OFCC"), has promulgated regulations that set out the equal opportunity obligations of federal contractors and describe administrative procedures for assuring compliance.

The OFCCP has two methods for enforcing these obligations: compliance reviews and the complaint process. In theory, the agency conducts periodic reviews of contractors to see whether they discriminate or have fulfilled their duty to take "affirmative action." The complaint procedure, on the other hand, allows any employee of a contractor or any job applicant to charge the contractor with discrimination by contacting the OFCCP within 180 days of the violation. Individual complaints are to be referred to the EEOC for processing as Title VII actions. Group complaints are to be investigated by the OFCCP.[22]

Potential remedies under Executive Order 11246 include backpay for those discriminated against, a delay in contract funding, cancellation of all or part of the contract, and, ultimately, debarment of the contractor from future government contracts. The OFCCP may also refer cases to the Justice Department, when it seems proper to seek in court specific performance of the terms of the contract which promised equal employment opportunity.

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[22] Although these investigations are subject to time limits under OFCCP regulations, extensions are routine, and there is no specific provision for private enforcement in court.

The OFCC concluded that institutionalized discrimination could not be overcome without the imposition of goals and timetables for increasing both female and minority employment.[23] But, the first focus of the OFCC was to increase the number of minority workers in the construction industry. During the later part of the 1960's, that office established geographic area programs that required the submission of race-based affirmative action plans as a condition for bidding. In 1969, the Nixon Administration issued the so-called "Philadelphia Plan," the antecedent of the current goals and timetables requirement. Based on detailed statistical information about the availability of minority workers in the Philadelphia area, the Plan established a target range for minority recruitment and required bidders on federally-assisted construction contracts to submit goals within that range.[24]

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[23] See generally Citizens Committee on Civil Rights, Affirmative Action To Open the Doors of Job Opportunity 40-48 (June 1984).

[24] See id. at 45-48; Contractor's Ass'n of E.Pa. v. Secretary of Labor, 442 F.2d 159, 164 (3d Cir.), cert denied, 404 U.S. 854 (1971) (Court held that the Philadelphia plan was lawful).

The OFCCP, thereafter, periodically set goals for minority workers by geographic area. Not until 1978, however, did the Department of Labor ("DOL") promulgate similar goals and timetables for the employment of women by government contractors in the construction industry; and these only appeared after a legal challenge to the DOL's failure to require such goals.[35]

Goals for women in the construction industry were based on specific OFCCP findings of segregation and exclusion in federally-subsidized workforces: "A review of the statistics relating to women in the construction industry shows an almost total exclusion of women from employment. Continued reliance by contractors on established hiring practices may reasonably be expected to result in a continuation of almost total female exclusion."[36]

In 1978, the OFCCP published goals and timetables for the employment of women that applied nationwide, not on a regional basis as had been done for minorities, and that were intended to remain in effect for three years.[37] The employment goal was initially set at 3.1%, rising in April 1979 to 5.1%, and again in

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[35] Two lawsuits seeking to compel the Secretary of Labor to issue affirmative action requirements for the employment of women by federally-assisted construction contractors were consolidated: Advocates for Women v. Marshall, Civ. Act. No. 76-0862 (D.D.C. filed May 14, 1976) and Women Working in Construction v. Marshall, Civ. Act. No. 76-527 (D.D.C. filed Apr. 13, 1976). A consent decree was entered by the district court mandating that the DOL require federal construction contractors take specific affirmative action steps for women, including goals and timetables.

[36] 43 Fed. Reg. 14899 (April 7, 1978).

[37] Id. at 14888.

April 1980 to 6.9%.[28] The justification in 1978 for setting such low goals was the low female participation rates from the 1970 Census data in trades from which women had long been discriminatorily excluded.[29]

These goals were not designed to be permanent, and were to be replaced with permanent, presumably higher, goals. On September 30, 1980, however, the OFCCP announced without explanation that the 6.9% goal would be continued indefinitely.[30] Almost seven years later, as women have come to represent 44.3% of the U.S. labor force in 1987[31] that minuscule goal is still in effect.

Affirmative action designed to hire and promote women into non-traditional jobs, when enforced properly, works. A study published in 1986 under the auspices of the National Research Council reviewed the effectiveness of various strategies to increase women's employment opportunities in nontraditional jobs, and concluded that "women's job options did not improve `naturally'."[32] The experience of federal entities charged with ensuring equal employment opportunity bears out the need for affirmative action for federally-supported construction contractors. The DOL explained:

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[28] Id. at 14900.

[29] Id. at 14899.

[30] 45 Fed. Reg. 58750 (1980).

[31] Bureau of Labor Statistics, U.S. Department of Labor, Summary Data From the Employment Situation News Release for March 1987, at Table 1.

[32] Women's Work, supra n. 8 at 97.

> The [DOL's] experience with affirmative action has demonstrated that goals and timetables are the most concrete and effective system for increasing the representation of women and minorities in employment areas from which they have previously been excluded or have not been represented in proportion to their availability.[33]

Studies have documented the correlation between affirmative action enforcement and the corresponding remarkable gains for women and minorities.[34] In particular, vigorous pursuit of federal affirmative action goals can bring about a dramatic increase in the number of women in the non-traditional jobs. For example, once it became known that the nation's largest coal producer was beginning to hire women, the number of applications the company received from women for jobs in Kentucky increased from 0 to 1,131 in six years. Even without vigorous enforcement in the skilled trades, by 1981 there were 802,000 women in these fields -- four times the number in 1960.[35]

OFCCP itself recognized specific examples of enforcement efforts which worked in its 1978 regulations. A particularly useful example of the successful results of affirmative action in bringing women into non-traditional fields was cited from the experience of the maritime industry, which has comparable jobs to those in construction. The Maritime Administration oversees the enforcement of Executive Order 11246 in the shipbuilding industry and has proven both the availability of women in construction-related jobs and the positive impact of goals and timetables on the employment of women in those jobs.[36]

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[33] 43 Fed. Reg. 20761 (1978).

[34] Three studies have been completed over the past several years: Crump, V., A Review of the Effect of the Executive Order 11246 and the Federal Contract Compliance Program on the Employment Opportunities of Minorities and Women (1984); Leonard, J., The Impact of Affirmative Action (1983); and Employment Standards Administration, U.S. Department of Labor, Employment Patterns of Minorities and Women in Federal Contractor and Noncontractor Establishments, 1974-1980 (1984).

[35] U.S. Department of Labor, Women's Bureau, 20 Facts on Women Workers (1984).

In the early 1970's, the Maritime Administration began requiring goals and timetables for women in the maritime industry, with the result that as more women were employed, more women applied. In fact, once women knew they would be hired without regard to sex, they applied in large numbers. In at least one shipyard, the number of women applicants reflected the number of women in the normal civilian workforce. There is no doubt that the key reason for the increase of women in that industry was the goals and timetables.[37]

In regions where goals have been set, the results have been impressive. For instance, OFCCP noted in the 1978 regulations that in Seattle, Washington, almost every city construction project had at least one woman working on the construction site since the imposition of the goals in city construction. In San Francisco, California, there had been an increase of 50% in construction job placements by Women in Apprenticeship, an outreach program designed to help place women in the skilled trades. Similarly, in Madison, Wisconsin, after goals were established, the number of women in construction jobs rose from two in 1975 to 15 in 1976.[illegible]

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[36] 43 Fed.Reg. 14893 (April 7, 1978).

[37] Id.

Thus, Executive Order 11246 can be an especially effective tool against discriminatory barriers to employment opportunity. An OFCCP study demonstrated that contractors subject to the Executive Order 11246 and its affirmative action requirements not only have better hiring records for women and minorities but also have better records for utilizing women and minorities in managerial and higher level positions than comparable non-contractor firms.[illegible]

The Supreme Court has also supported affirmative action in circumstances where it is needed to redress discrimination.[illegible] The most recent Court confirmation of voluntary affirmative action plans for the employment of women is particularly relevant since the case was decided in the context of non-traditional employment for women, and concerned a public employer. In

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[illegible] *Id.*

[illegible] *See* Employment Standards Administration, U.S. Department of Labor, *Employment Patterns of Minorities and Women in Federal Contractor and Noncontractor Establishments, 1974-1980*, 39-54 (1984); Leonard, J., *The Impact of Affirmative Action* (1983).

[illegible] *See, e.g.*, *United States v. Paradise*, 107 S. Ct. 1053 (1987); *Fullilove v. Klutznick*, 488 U.S. 448 (1980); *United Steelworkers of America v. Weber*, 443 U.S. 193 (1979); *Associated General Contractors of Massachusetts v. Altshuler*, 490 F.2d 9 (1st Cir. 1973); *Contractors Association of Eastern Pennsylvania v. Secretary of Labor*, 442 F.2d 159 (3rd Cir. 1971).

Johnson v. Transportation Agency,[41] Santa Clara County, California, and its transportation agency, implemented hiring and promotion goals for women, minorities, and the disabled, to remedy the underrepresentation of these groups in its workforce.[42] A male employee challenged the goals for women as a violation of Title VII when he did not receive a promotion, and the promotion went to a woman candidate pursuant to the affirmative action plan.[43]

Based on the record which showed that before this case a woman had never held the position of road dispatcher,[44] the Court found that the hiring and promotion goals for women were supported by a "manifest imbalance . . . in traditionally segregated job categories."[45] The Court noted that the underrepresentation of women in the job category had been properly determined by comparing the percentage of women employed with the percentage of women available in the area labor market,[46] and that the plan was sufficiently temporary and flexibly applied.[47]

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[41] 107 S. Ct. 1442 (1987).

[42] Id. at 1446.

[43] Id. at 1448-49.

[44] Id.

[45] Id. at 1453.

[46] Id. at 1452.

[47] Id. at 1455.

Government enforcement of established affirmative action policies is essential to women's ability to surmount the barriers to their employment in traditionally male-dominated jobs such as highway construction, to end sex-based occupational segregation, and in so doing finally to secure equal opportunity for women in the workforce.

History has proven that vigilance is needed to ensure the current Administration adheres to and enforces the anti-discrimination laws, including affirmative action requirements, rather than thwarting their dictates. Notwithstanding the hostility of the Reagan Administration, however, the standing promise of equal opportunity for women can be fulfilled if public pressure is brought to bear on the federal agencies -- specifically the Department of Transportation and Department of Labor -- responsible for enforcement.

III. The Lack of Government Enforcement

The most recent figures compiled by Women Employed Institute of Chicago demonstrate a startling decline in enforcement of equal opportunity laws by the EEOC and the OFCCP since President Reagan took office.**

** In fiscal 1980, backpay was awarded to 4,336 persons who complained to the OFCCP about discrimination. In fiscal 1986, that number was 499. During the four years of the Carter Administration, OFCCP exercised its ultimate power of debarment 13 times. In the 7 years since then, it has done so only twice. At the EEOC, the settlement rate declined from 32.1% in fiscal 1980, to 14.4% in fiscal year 1985; and its chairman has stated that affirmative action, including goals and timetables, will be sought only in rare cases of "egregious" discrimination.

A prime example of the Administration's lackadaisical attitude towards enforcing its legal obligations has been the Department of Transportation ("DOT") handling of the complaint which Southeast Women's Employment Coalition ("SWEC") filed in 1980 with the Department alleging discrimination on the basis of sex by all state DOT's and federally-assisted construction contractors.** Not only are federally-funded contractors responsible for following Executive Order 11246, but all of the state DOTs are similarly under an affirmative duty to develop and comply with equal employment opportunity programs, under the recent amendments to the Federal-Aid Highways Act of 1973,** and its promulgated regulations.

SWEC and 17 other organizations filed a complaint against the fifty state departments of transportation and the District of Columbia Department of Transportation in November 1980, alleging that all of the agencies discriminated against women in both

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(Sources: OFCCP Quarterly Review and Analysis Reports, Summary of OFCCP Enforcement Activity for Years 1980-1986; EEOC District Office Reports; EEOC Legal Services; EEOC Office of Program Operations Annual Report, Fiscal Year 1985).

** A separate complaint, which was filed with the DOL's OFCCP, called for compliance investigations of the top five federal aid contractors in Kentucky, Tennessee, Georgia, Virginia, West Virginia, North Carolina, and South Carolina. Many of these private construction firms as well as 27 others were found in noncompliance and were required to issue letters of commitment to hire women and minority men, and in some cases, to enter binding agreements to set specific affirmative action goals. This has meant increased hiring for women and minority men in those states subject to the OFCCP investigation, but the progress has been limited.

** 23 U.S.C. Section 324.

their internal hiring and in their enforcement of civil rights laws governing private contractors. The complainants sought a judgment declaring the departments in violation of nondiscrimination assurances given to the Federal Highway Administration ("FHWA"), as well as other remedies.

The Department of Transportation's Director of Civil Rights immediately took the position, contrary to the Department's own regulations, that the Department had no responsibility to assure nondiscrimination on the basis of sex for employment in the federal-aid highways program.

The Department's restrictive view of its legal responsibilities was wrong. However, a long legal battle was avoided by an amendment to the 1982 gasoline tax legislation, which (1) contained an explicit prohibition against discrimination on the basis of sex in employment in the federal-aid program, and (2) made clear that the Secretary of Transportation was the party responsible for ensuring equal opportunity.

The nondiscrimination provision in 23 U.S.C. Section 140(a) was amended to include sex as an impermissible basis for employment decisions.[41] The Department finally accepted the complaint for investigation on January 30, 1984.

After substantial prodding by SWEC and the NWLC, the Department detailed the FHWA to investigate the internal workforces of the state departments of transportation. It began with six states: Ohio, New York, Missouri, Maryland, Georgia and California. Using 1983 data, the Department's findings included:

* Ohio's Department of Transportation underemployed women and minorities in all EEO-4 job categories; 66% of its female workers were in the traditionally female and lower

paid office/clerical category. During the 1983 calendar year, there were 563 promotions and reassignments. Only 96 were given to female employees.

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[41] 23 U.S.C. Section 140(a) now reads:

> Prior to approving any programs for projects . . ., the Secretary [of Transportation] shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. He [sic] shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. The Secretary shall periodically obtain from the Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

* Although women made up 43.4% of the available workforce in New York, the Department of Transportation had only 12.3% female employees, or 1,467. And 884 of the women were in the clerical field.

* The Missouri Department of Transportation employed only 4.8% females in its internal workforce; 221 of the 278 women were in the office/clerical category. In addition, Black males accounted for 36.6% of those terminated in 1983.

* Maryland's Department of Transportation employed 1,877 women in a total workforce of 6,747. Minorities were disproportionately represented among the targets of disciplinary actions; although they represented only 27.2% of the workforce, they were disciplined in 46% of the cases.

* In the Georgia Department of Transportation, there were no women in the official/administrator or skilled craft categories. In addition, applicant flow data were not collected in the prescribed manner in 1983, hampering adverse impact analysis on new hires and promotions and training.

* California's Department of Transportation employed 17% females, more than half of them in the office/clerical category. In all categories of its training programs, white males received the major portion of training.

The NWLC, as SWEC's representative, submitted comments to the Department on the first six reports. While noting that many of the conclusions mirrored SWEC's earlier findings of discrimination in the state departments of transportation, among other things, these comments criticized the Departments' failure to require adequate remedies and its failure to clarify the factors used to determine that women and other members of protected groups were underrepresented.

In spite of SWEC's and the NWLC's efforts to work with the Department, there continued to be a lack of cooperation on the part of the U.S. DOT throughout the investigations. Although SWEC was to be included as an active participant in the state DOT compliance investigations, and despite the NWLC's repeated warnings of the inadequacies and mistakes of the initial investigations, the federal investigators consistently failed to contact either SWEC or its suggested witnesses to avoid problems in future investigations.

The Department later "completed" investigations of 43 more state departments, although the reports given to SWEC after those investigations were extremely cursory and incomplete, even when compared with the inadequate reviews of the first six states. One theme recurred in no uncertain terms, however, even in the cursory reviews. The state departments of transportation were remarkably uniform in their underrepresentation of women in virtually all job categories except office/clerical.

Many of the state departments have not taken even the first step to deal with the problem of discrimination. It is as if these federal laws never existed. For example, some states do not even collect and maintain information on how many women and minorities are being hired, promoted, and trained and therefore have no idea of the magnitude of the problem. Others who know where problems exist have not established the first essential ingredient required by law to remedy the problem -- the adoption of an affirmative action plan including goals and timetables.

Still others do not have equal opportunity programs at all. This means that these states do not even have the rudimentary tools in place to begin bringing women into their workforces as full participants. Yet all of these offenders continue to receive enormous sums of federal money.

Since completing its reviews of the internal workforces of the state departments of transportation in July 1985, the Department has grown steadily less communicative and, evidently, less active. Despite repeated promises to provide SWEC with numerous documents developed in response to the SWEC complaint, including the corrective action plans adopted by the states after the internal workforce investigations and the timetable for the Department's investigation of private contractor workforces, few documents have been received. In fact, since a meeting in December 1985, the Department has been almost totally unresponsive to repeated telephone and written inquiries regarding further action on the state departments of transportation and plans for the private contractor investigation.

The Department's then general counsel Jim J. Marquez did respond -- albeit inadequately -- to an April, 1986 letter sent on SWEC's behalf by Representatives Gus Hawkins and Matthew Martinez. In July 1986, Mr. Marquez said the Department had received the corrective action plans of the original six states and was in the process of sending the reports on the Department's findings to the other 43 states reviewed. Each of those states was to be asked to submit a corrective action plan. Otherwise, he recited only the Department's standards for routine oversight, and said nothing about the Department's earlier promises to proceed with an investigation of the private contractor workforce. Significantly, he closed the letter with: "Our ultimate objective is to achieve the 6.9% goal in each craft as required by the Office of Federal Contract Compliance Programs." This sentence revealed an apparent substantial reduction in the Department's expectations. Many of the reviews of the State departments of transportation had used the level of female participation in the state's workforce as the benchmark to measure the department's progress.

During a meeting earlier this year with Ed Morris, Deputy Director in the FHWA, Office for Civil Rights, the NWLC was told that the FHWA had been instructed to stop all activity on the SWEC complaint after the state departments were reviewed; the complaint was to become the sole responsibility of the

Department's Office of Civil Rights. Mr. Morris asserted that the command to discontinue work included a transfer of materials from the FHWA to the Department such that he was unable to supply the NWLC with copies of the corrective action plans or other promised documents.

Another project to assess the effectiveness of current programs to involve women in non-traditional highway construction employment had only been contracted out at the time of the meeting with Mr. Morris. Mr. Marquez had described this project, jointly administered by FHWA and the Employment and Training Administration and the Women's Bureau of the DOL, to Representatives Hawkins and Martinez in his response to their letter. No word has been received concerning this project.

A second letter from Representatives Hawkins and Martinez containing a list of specific questions unanswered by Mr. Marquez was sent on March 2, 1987 to Secretary Dole. Another unsatisfactory response was received August 27, 1987, which did not address any of the specific concerns of the second letter. A follow-up letter was sent by the Representatives to the Secretary and is currently outstanding.

In short, the complaint investigation seems to be at a complete standstill, and compliance efforts in general -- in spite of the gross inequities uncovered by the Department's own investigation -- are similarly stalled. To our knowledge, the reports on the 49 states reviewed have never been formally adopted by the Department, and no investigation of private contractors has begun. The Department's stony silence has thwarted repeated attempts by the NWLC and SWEC to follow up on the promises made in the December 1985 meeting and before.

Evidence of continuing discrimination is collected routinely by the FHWA. According to the 1986 data given to the NWLC by Mr. Morris, the following figures are exemplary:

* In Ohio, women still dominate the office/clerical category dramatically, holding 77.7% of those jobs in the state DOT. They account for only 0.8% of the skilled craft workers, however, and for only 7.6% of the officials and administrators.
* In New York, women make up 85.3% of the administrative support personnel, but only 2.5% of the skilled craft workers and only 6.3% of the officials and administrators.
* In California, women account for 77.3% of the administrative support staff, and only 1% of the skilled craft personnel. They are only 13.3% of the officials and administrators.

IV. Government Action is Needed

The time is ripe for this hearing, which we hope will prompt the Administration to fulfill its equal opportunity obligations to women and minorities, not only in highway construction but in all other areas of non-traditional employment. The SWEC complaint has highlighted areas in which the federal administrative agencies have been derelict in enforcing their nondiscrimination obligations and these areas of weak enforcement must be remedied to ensure equal employment opportunity for women and minorities. Since resolution of the SWEC complaint is long overdue, the following steps should be taken immediately:

1) As part of the initial plan to resolve the SWEC complaint, the U.S. DOT agreed to develop and implement an investigative plan that would examine the employment practices of selected private contractors relative to recruitment, hiring, and training. Accordingly, to carry through with its negotiated commitments, the U.S. DOT should conduct a thorough investigation of these construction contractors, including the following elements:

   a) The U.S. DOT should target at least twenty independent contractors and assess their employment practices with respect to the recruitment, training and hiring of women on a nationwide basis.

   b) A sample group of states should be targeted and the five largest construction contractors in each state should be identified for review.

   c) A timetable should be developed for these investigations.

2) The U.S. DOT also promised to provide SWEC with copies of all state DOT investigative reports by September 1, 1985. SWEC has never received investigative summaries for twelve states: Arkansas, Arizona, Delaware, Iowa, Idaho, Montana,

Nebraska, Oregon, Pennsylvania, the District of Columbia, Louisiana, and Virginia. We can only assume U.S. DOT has never completed investigations for these states. Based on the 1985 investigative findings of the other states, female employees were underrepresented in each state in all EEO-4 categories except office/clerical. Investigations of the remaining twelve states would presumably reveal similar findings of serious underrepresentation. Therefore, the U.S. DOT should complete the investigations of the remaining twelve states if it has not already done so, and provide SWEC with those reports.

3) As a result of the SWEC complaint, the U.S. DOT issued a draft executive summary of its investigative findings on July 19, 1985 with proposed actions to bring the states into compliance. These proposed directives should be adopted and implemented by the U.S. DOT immediately:

a) Each state DOT must adopt a corrective action plan which includes one year goals, an aggressive recruitment program for women, formal training programs for supervisory staff outlining program responsibilities and nondiscrimination policies, and development of a methodology by each state to reach female parity within one year and/or show cause why parity was not reached.

b) The Federal Highway Administration will monitor the states' progress on a quarterly basis through written reports by the states, and provide the quarterly reports to SWEC. A failure by the states to submit quarterly progress reports within 15 days of the month following the quarter would result in the Office of Civil Rights' recommendation to the Secretary to take administrative action.

c) At the end of one year, the Office of Civil Rights will conduct an evaluation of the states' efforts and submit a report of progress made during the year to SWEC.

d) If any state DOT has not obtained female parity in all of the EEO-4 job categories, based upon its rate of attrition and the number of new positions, a recommendation by the Office of Civil Rights will be made to the Secretary to refer the matter to the Department of Justice for further action.

4) In addition to the U.S. DOT's own proposed actions, our recommendations include the following:

a) Because there has been no action taken by the U.S. DOT since 1985, within the next year, 25 state DOTs should be investigated to determine the status of female employees in the internal workforce, and the remaining state DOTs should be investigated the following year.

b) If any state DOT or independent contractor is found in noncompliance with its corrective action plan, or fails to make serious efforts to increase the participation of women and minorities in its highway projects, enforcement procedures should begin.

c) The U.S. DOT should adopt adequate goals, including hiring and promotion, for each state and independent contractor.

d) Job openings should be advertised in local media, and SWEC and other women's employment advocacy organizations should be contacted to refer women applicants to job opportunities.

e) The U.S. DOT should establish a committee made up of representatives from women's employment groups, the FHWA and state employment officials to oversee state and federal contractor compliance with EEO programs.

f) Currently, construction contractors are bound to make good faith efforts to achieve a 6.9% participation rate by women workers in each trade. It is important to note that the U.S. DOT recognized that the goal of each state DOT should be much closer to the proportion of women in that state workforce, rather than the 6.9% goal still used by the OFCCP. Since the OFCCP has set and maintained artificial and unjustifiably low goals for women in construction, the goals and timetables promulgated under Executive Order 11246 must be raised immediately.

g) There must also be an increase in the number of training and apprenticeship openings provided to women and minorities, as this is a primary route into the trades industry.

h) One of the problems the U.S. DOT faced in its investigation of the 50 state and the District of Columbia DOTs was the lack of staff in the FHWA and in each state DOT to investigate and supervise the distribution of federal funds. For example, in California there was only one fulltime compliance specialist administering and monitoring affirmative action in a program receiving one billion dollars in federal aid. This maldistribution of administrative efforts must be corrected and an increase in personnel must be provided to allow for monitoring of the affirmative action programs.

. . .

It is long past time that this Administration be held accountable for the manner in which it dispenses billions of federal dollars; these monies should be providing jobs for all Americans equally. Congress must not allow the Administration to turn its back on women and minorities. Without real leadership and a serious commitment to the laws now on the books, the status quo will reign. And for women and minorities who are and have been qualified for those federally-funded jobs, and who desperately want to work, the status quo continues to mean poverty.

Senator **Metzenbaum**. Our next panel consists of women in high-technology: Barbara Scott of Melrose, MA; Sherri Davis of Boston, MA, and Sharyn Bahn, executive director, Women's Technical Institute, also of Boston, MA.

I might say it is rather odd for the committee to have three witnesses in one particular area coming from the same geographical area, but I think that is some indication of the dominance that the State of Massachusetts has had with the State of California in the high-tech area. So that is the reason our three witnesses are all from that particular area.

I wish I could have had witnesses from every State of the Union, including my own.

Senator **Kennedy**. Mr. Chairman, if you would just yield for a moment, I would like to join in welcoming three good constituents here and say how much I look forward to their testimony. It is a remarkable story, Mr. Chairman, as you will hear, and they can tell it best; but it is really a story that reflects not only resources that have been utilized, but extraordinary individual determination. I think all of witnesses through the course of the morning deserve great credit.

I have reviewed their testimony and their experience, and I just want to express my very warm sense of appreciation to all of them for coming here and sharing their success stories and also reflecting some of the challenges which they have had to overcome during the course of their lives. You are very welcome to our committee.

Senator **Metzenbaum**. We are very happy to have them with us.

Ms. Scott, do you want to proceed? You know of our 5-minute rule.

STATEMENTS OF BARBARA SCOTT, MELROSE, MA; SHERRI DAVIS, BOSTON, MA; AND SHARYN BAHN, EXECUTIVE DIRECTOR, WOMEN'S TECHNICAL INSTITUTE, BOSTON, MA

Ms. **Scott**. Thank you, Senator Metzenbaum and Senator Kennedy, for having me here.

In 1980, I made a decision that drastically changed my family's lives. I had been married for 12 years to an alcoholic who had been abusive both physically and mentally for several years and had not worked steadily for the previous 4.

I had been struggling for years, shuffling my children around, working various part-time jobs from waitressing to office work to sales just to make ends meet. I had choices. The first was to stay at home in my housecoat and collect welfare. The second was to make something of myself.

At this point in my life, my husband's unemployment compensation was long exhausted, and welfare money was going for alcohol. I found myself at 36 years old, instead of becoming more stable, unable to put food on the table or to pay my mortgage and utility bills.

My children ranged in ages from 10 months old to 11 years old. At that point, I fearfully had my husband physically removed from the home.

In October of 1980, on the verge of losing my home, my respectability, my health and my sanity, I was presented with an opportunity to enter Women's Technical Institute in Boston to study electronics. I felt I needed the type of education that would give me the kind of employment that I could support a family on, which is why I chose a nontraditional career.

The education and encouragement I received from the staff at WTI was absolutely incredible. The program was an intensive course, lasting from October through the following April. I studied long, hard hours in the midst of threats and fears of reprisal from my ex-husband. I graduated in the top five of my class.

In August of 1981, after actively searching for a job for 4 months, I secured a position as a field service engineer with Instrumentation Laboratories, a biomedical manufacturing company. I am responsible for the installation, preventive maintenance and repair of critical instrumentation in hospitals in the Greater Boston area.

During the interview for this position, I was asked, off the record, how many children I had and their ages. I lied.

Relying on the support of my family and friends, I had achieved a goal I had never dreamed was attainable in my situation with my children so very young. In the six years of working long hours and travelling in some instances more than 1,000 miles a week, I have been the sole support of my family.

In addition to my job, I am attending Northeastern University in Boston to obtain my degree in business management. It has not been an easy 6 years, and I knew in my heart that as a woman, particularly a single parent with massive responsibilities, that I had to try harder than most men to achieve my goals.

I have used a total of 2 sick days of my first 5 years on the job. During this time, I have seen a man take sick days because his wife was sick with a cold; another could not make a meeting with me because he would be late picking his children up at daycare. Both of these men were my former supervisors.

I have seen discrimination, and I have felt it first-hand, not on the part of the company as a whole, but from certain individuals on the job.

Recently, I interviewed for a sales position with a large company. I was tested and passed easily. Two interviews had gone very well. During the last interview I was asked, "What makes you think you have the drive and determination to do the job?"

I briefly told the interviewer how I had successfully balanced job and family for the past 7 years. He called me the following week to say he felt there may be too much travelling for a women in my situation. I believe that decision should have been mine, not his.

My situation is not perfect. It has its highs and it has its lows. But instead of despair and helplessness, instead of staying in a marriage that was harmful to myself and my children, instead of a life alone and the welfare trap, instead of sad Christmases and disappointing birthdays, instead of never considering further education for my children, there is hope and anticipation of a bright future.

In summary I would like to say that I feel I have reorganized my life. I am a professional. I have self-respect. I have self-esteem and a great deal of pride. More than that, the most important thing that has happened here is the effect on my four children. They now range in age from 8 years to 17 years old. The oldest, who is handicapped, will be entering college in January.

They have the respect, the pride, and the role model they may never have had. They also have the knowledge and the faith and determination that they can do anything they want.

Thank you.

Senator **Metzenbaum**. You have done a great job, and I commend you.

Ms. Davis, we would be very happy to hear from you.

Ms. **Davis**. Good morning, Senator Metzenbaum, good morning, Senator Kennedy.

My name is Sherri Davis. I am the mother of four children ages 7, 10, 16, and 20, and I am also a single head of household.

Not long ago, I was on welfare, depressed, deprived, and tired of my existence. I decided to make some changes to secure my future and the future of my children. I decided to go to school to learn a trade or skill that was in demand.

I saw an ad for the Women's Technical Institute's program in electronics. I was interested in electronics because things in my house were always breaking and I wanted to be able to fix them myself.

I chose the Women's Technical Institute because I had a fear of math. I did not want to be laughed at or feel competitive and needed understanding surroundings.

I called for information about the program and then enrolled. I not only learned about electronics at WTI, but I learned to feel confident about my abilities and potential.

After graduation, I was feeling very confident about applying my new skills to a new career. I felt there was nothing I could not handle. However, I started to lose my confidence when I started interviewing for jobs in the fields that were dominated by men.

I made 100 copies of my resume and mailed 75 to companies that were advertising for electronics technicians. Interviews were arranged, and I was off to my new beginning. However, the results of the interviews were not positive. I began to wonder what I was doing wrong and started asking myself questions: Why am I getting the run-around from these companies? Why are the interviewers always men? Why are the tests so difficult that an associate degree is needed to understand the schematics?

During the interviews, I remember being asked questions which were asked because I was a woman. If I were a man, they would not be relevant. They were questions like: What about your small children? Do you have a babysitter? Of course I had a babysitter. That was one of the first things I arranged for. What would your husband say about you working the 3-to-11 shift? I never mentioned being married, and they had not asked me if I was willing to work that shift.

Another interviewer asked me: Do you plan on getting married or having children, which I thought had nothing to do with how I could do the job.

From my experience in these interviews, it is my opinion that companies arrange to interview women for entry-level positions, but have no intention of hiring us. They interview women just because they need to show that they are interviewing females.

I was told that I was not qualified because I had to have three to five years' work experience as a technician. Why did they interview me if they only wanted people with several years of experience?

If companies only wanted experienced technicians, it would be difficult to let women in because at that time there were no women out there who had been working that long in the field.

After more searching, I received a job offer from Duracell. I accepted the position though it did not allow me to use very many of my skills. During my three and a half years there, I have received a couple of promotions. I started as a test technician. Now I am assistant to several engineers, and two people work under me. The project manager is a woman, and my supervisor is a man, and they are both great.

When my supervisor is on vacation or away, I take over his duties. I use enough of my skills daily to understand what the project manager, the engineer, and the programmer want from me. I really love my job, the people I work with, and the responsibility I have.

I have been told that I will be awarded the Black Achiever's Award this year from Duracell. Yes, I am proud of myself. I have come a long way, but I still have a long way to go.

In summary I would like to say that when someone out there opens the door for women, then we walk through them and show what we are capable of. Women can do any job just as good, if not better, than a man when we are given the chance. Give us the chance.

Thank you.

Senator METZENBAUM. Those are two just absolutely superb success stories describing how each of you, in your own way, has taken control of your lives, and you have done exceptionally well.

I have some questions, but first I would like to hear from Ms. Bahn.

Ms. BAHN. Hopefully, my voice will work.

Senator METZENBAUM. You have had two testimonials to your Institute from these two women before you ever open your mouth.

Ms. BAHN. I know, Senator. Isn't it wonderful?

I am the Director of the Women's Technical Institute, an 11-year-old technical school for women in Boston. You have heard the testimony of two of the 900 graduates of our school. These women have given you some insight into the motivation, determination and capability of the students and graduates of our school. I hope that my testimony, if you can bear with my lack of voice, will put these women's stories into perspective and into a larger societal and economic context.

I will tell you why the Institute was founded, why there is a need for such a school, and what we have learned about training and placing low-income and working poor women into technical jobs in the high-technology industry.

The Institute was founded in 1975 to help low-income women, especially heads of household, to achieve economic independence for themselves and their families. We determined that the best way to help women achieve this goal was by providing them with access to men's work or, as it is sometimes called, nontraditional work.

As you well know, women comprise approximately 50 percent of the American labor force. While women comprise 50 percent of the labor force, most women workers are employed in only 20 of the 420 occupational categories listed by the U.S. Government.

Despite the tremendous influx of women into the labor force, despite affirmative action legislation, despite an increase in the divorce rate and the number of female-headed households, and despite the media image of the myriad of successful female business executives and women who "have it all", the truth is occupational segregation and sex role stereotyping are powerful phenomena which contribute to the perpetuation of the feminization of poverty and women's belief that the only work open to them and the only work which they are suitable for is women's work.

Let me give you some background on women in high technology. The perception that the high-tech industry is newer and therefore more open-minded and freer from past inequalities is a false perception. A 1987 study by the National Research Council entitled "Computer Chips and Paper Clips" showed that the high-tech industry is no different from other industries where both men and women work. There is consistent segregation by occupation between men and women and significant differences between the wages of men and women.

Women and minority men are underrepresented compared to their participation in the labor force, while white men are overrepresented. In 1970, women comprised 2 percent of the industry's engineers. In 1980, 10 years later, that number grew only to 5 percent. Women represented 11 percent of the electronic technicians and 7 percent of the drafters in 1970. Ten years later, these numbers had grown only 4 percent and 9 percent respectively.

In high tech, women are less likely to be in managerial or professional positions, and more likely to be in low-status and low-paying production positions. Equally disconcerting is the fact that even for the same work, women make less than men. For example, the ratio of women's to men's annual earnings for computer specialist jobs was 71 percent in 1970. A decade later, the ratio was only one percent higher, even though employment more than doubled in this occupation and the proportion of women in these jobs increased by 40 percent.

These high-tech statistics clearly reflect the inequalities between men's and women's wages that are present in the work force in general. We can no longer continue to cram women into the female job ghettoes which are often dead-ended and low-paying, if there is any possibility for them to achieve economic equality and independence.

For the American economy to prosper, the full employment spectrum must be available to women who, along with minorities, are the significant entrants into the labor force for the next decade. Compared to traditionally female work, nontraditional jobs are characterized by higher earnings, more mobility within and among occupations, and more on-the-job training.

Let me briefly describe the Institute in order to further explain and underscore the need for special programs and attention to this issue.

WTI is a licensed and accredited nonprofit technical school, the country's first and only technical school whose programs are designed specifically to meet both women's needs and backgrounds and the high tech industry's need for trained workers. We train approximately 200 women each year. We offer certificate programs in electronics, drafting, surveying and technical writing. There are 900 graduates who are working as technicians, field service reps, technical writers, CAD operators, drafters, and printed circuit board designers at more than 200 companies.

The existence and health of the institute, not to mention the success of our graduates, is a powerful statement about the increased role women and minorities play in our economy. But let's be frank. An educational resource for a few thousand women is not a panacea for the employment problems of millions of lower-income women. There is a long road ahead to achieving full educational and economic equity in American society.

In conclusion I would just like to say that the dynamic nature of our society and economy requires us to anticipate and not just react to change. Women's participation in the work force has changed dramatically over the past 35 years and continues to do so, and our society has begun to adapt.

For example, Executive Order 11246 exists, as do Federal regulations in voc ed, construction and apprenticeship. There is greater awareness of the crying need for more and better daycare, access to the full employment spectrum, jobs with better pay, jobs with medical benefits, and our society's guarantee that advancement opportunity is not contained by one's sex or race.

I urge you to safeguard the progress we have made thus far in integrating our work force and guaranteeing equal opportunity for all, and to commit yourselves to keeping these issues, which are so important to our Nation, uppermost on your agenda.

Thank you.

Senator METZENBAUM. Thank you very much.

[The prepared statement of Ms. Bahn follows:]

TESTIMONY OF SHARYN BAHN
SUBCOMMITTEE ON LABOR
COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE
NOVEMBER 17, 1987

MY NAME IS SHARYN BAHN. I AM THE DIRECTOR OF THE WOMEN'S TECHNICAL INSTITUTE, AN 11-YEAR OLD TECHNICAL SCHOOL FOR WOMEN IN BOSTON, MASSACHUSETTS. YOU HAVE HEARD THE TESTIMONY OF TWO OF THE 900 GRADUATES OF OUR SCHOOL. THESE WOMEN HAVE GIVEN YOU SOME INSIGHT INTO THE MOTIVATION, DETERMINATION AND CAPABILITY OF THE STUDENTS AND GRADUATES OF OUR SCHOOL. THEY HAVE ALSO TOLD YOU OF THE REALITIES -- GOOD AND BAD -- OF THEIR LIVES BEFORE AND AFTER THEIR TRAINING. I HOPE THAT MY TESTIMONY WILL PUT THESE WOMENS' STORIES INTO PERSPECTIVE AND INTO A LARGER SOCIETAL AND ECONOMIC CONTEXT. I WILL TELL YOU WHY THE WOMEN'S TECHNICAL INSTITUTE WAS FOUNDED 11 YEARS AGO, WHY THERE IS A NEED FOR SUCH A SCHOOL, AND WHAT WE HAVE LEARNED ABOUT TRAINING AND PLACING LOW INCOME AND WORKING POOR WOMEN INTO TECHNICAL JOBS IN THE HIGH TECHNOLOGY INDUSTRY.

THE WOMEN'S TECHNICAL INSTITUTE WAS FOUNDED IN 1975 TO HELP LOW INCOME WOMEN, ESPECIALLY HEADS OF HOUSEHOLDS, TO ACHIEVE ECONOMIC INDEPENDENCE FOR THEMSELVES AND THEIR FAMILIES. WE DETERMINED THAT THE BEST WAY TO HELP WOMEN ACHIEVE THIS GOAL WAS BY PROVIDING THEM WITH ACCESS TO "MEN'S WORK," OR AS IT IS SOMETIMES CALLED, NON-TRADITIONAL WORK.

AS YOU WELL KNOW, THE AVERAGE AMERICAN WOMAN EARNS 64% OF THE AVERAGE AMERICAN MAN'S WAGE. AS YOU ALSO KNOW, WHILE WOMEN COMPRISE APPROXIMATELY 50% OF THE AMERICAN LABOR FORCE, MOST WOMEN WORKERS ARE EMPLOYED IN 20 OF THE 420 OCCUPATIONAL CATEGORIES LISTED BY THE U.S. GOVERNMENT. IN FACT, IN 1952 46% OF ALL WOMEN IN THE LABOR FORCE

WERE EMPLOYED IN JUST ONE OF FOUR OF THE FOLLOWING OCCUPATIONS: CLERK, SALESWOMAN, WAITRESS, AND HAIRDRESSER. DESPITE THE TREMENDOUS INFLUX OF WOMEN INTO THE LABOR FORCE IN THE PAST 35 YEARS (THE NUMBER HAS GROWN FROM 18 MILLION IN 1950 TO 35 MILLION IN 1985), DESPITE AFFIRMATIVE ACTION LEGISLATION, DESPITE AN INCREASE IN THE DIVORCE RATE AND THE NUMBER OF FEMALE-HEADED HOUSEHOLDS, AND DESPITE THE MEDIA IMAGE OF THE MYRIAD OF SUCCESSFUL FEMALE BUSINESS EXECUTIVES AND WOMEN WHO "HAVE IT ALL," -- THE TRUTH IS OCCUPATIONAL SEGREGATION AND SEX-ROLE STEREOTYPING ARE POWERFUL PHENOMENA WHICH CONTRIBUTE TO THE PERPETUATION OF THE FEMINIZATION OF POVERTY AND WOMEN'S BELIEF THAT THE ONLY WORK OPEN TO THEM AND THE ONLY WORK WHICH THEY ARE SUITABLE FOR IS "WOMEN'S WORK."

LET ME GIVE YOU SOME BACKGROUND ON WOMEN IN HIGH TECHNOLOGY. THE PERCEPTION THAT THE HIGH TECH INDUSTRY IS NEWER AND THEREFORE MORE OPEN-MINDED AND FREER FROM PAST INEQUALITIES IS A FALSE PERCEPTION. A 1987 STUDY BY THE NATIONAL RESEARCH COUNCIL ENTITLED *COMPUTER CHIPS AND PAPER CLIPS* SHOWS THAT THE HIGH TECH INDUSTRY IS NO DIFFERENT FROM OTHER INDUSTRIES WHERE BOTH MEN AND WOMEN WORK. THERE IS CONSISTENT SEGREGATION BY OCCUPATION BETWEEN MEN AND WOMEN AND SIGNIFICANT DIFFERENCES IN WAGES EARNED. WOMEN AND MINORITY MEN ARE UNDERREPRESENTED COMPARED TO THEIR PARTICIPATION IN THE LABOR FORCE WHILE WHITE MEN ARE OVERREPRESENTED.

IN 1970 WOMEN COMPRISED 2% OF THE INDUSTRY'S ENGINEERS; IN 1980 THAT NUMBER GREW ONLY TO 5%. IN 1970 WOMEN FILLED 15% OF THE SYSTEMS

ANALYST JOBS. BY 1980 FEMALE REPRESENTATION HAD ONLY GROWN TO 22% DESPITE THE FACT THAT THE NUMBER OF POSITIONS IN THIS FIELD HAD DOUBLED DURING THE DECADE. WOMEN REPRESENTED 11% OF THE ELECTRONIC TECHNICIANS AND 7% OF THE DRAFTERS IN 1970. IN 1980 THESE NUMBERS HAD GROWN ONLY 4% AND 9% RESPECTIVELY.

IN THE HIGH TECH FIELD, WOMEN ARE LESS LIKELY TO BE IN MANAGERIAL OR PROFESSIONAL POSITIONS. THEY ARE MORE LIKELY TO BE IN A LOW-STATUS AND LOW-PAYING PRODUCTION POSITION. EQUALLY DISCONCERTING IS THE FACT THAT EVEN FOR THE SAME WORK WOMEN MAKE LESS THAN MEN. FOR EXAMPLE, THE RATIO OF WOMEN'S TO MEN'S ANNUAL EARNINGS FOR COMPUTER SPECIALIST JOBS WAS 71% IN 1970. THE RATIO WAS ONLY 1% HIGHER IN 1980 EVEN THOUGH EMPLOYMENT MORE THAN DOUBLED IN THIS OCCUPATION AND THE PROPORTION OF WOMEN IN THESE JOBS INCREASED BY 40%. THE INSIGNIFICANT CHANGES IN THE 1970 AND 1980 HIGH TECHNOLOGY STATISTICS CLEARLY REFLECT THE INEQUALITIES BETWEEN MEN AND WOMEN'S WAGES THAT ARE PRESENT IN THE WORKFORCE IN GENERAL.

WE CAN NO LONGER CONTINUE TO CRAM WOMEN INTO THE FEMALE JOB GHETTOES WHICH ARE OFTEN DEAD-ENDED AND LOW-PAYING IF THERE IS ANY POSSIBILIT FOR THEM TO ACHIEVE ECONOMIC EQUALITY AND INDEPENDENCE, AS WELL AS PERSONAL SATISFACTION AND SUCCESS. FOR THE AMERICAN ECONOMY TO PROSPER, THE FULL EMPLOYMENT SPECTRUM MUST BE AVAILABLE TO WOMEN, WH ALONG WITH MINORITIES, ARE THE SIGNIFICANT ENTRANTS INTO THE LABOR FORCE FOR THE NEXT 20 YEARS. COMPARED TO TRADITIONALLY FEMALE WORK NONTRADITIONAL JOBS ARE CHARACTERIZED BY HIGHER EARNINGS, MORE MOBILITY WITHIN AND AMONG OCCUPATIONS, AND MORE ON-THE-JOB-TRAINING

A COMPREHENSIVE UNILATERAL APPROACH IS NEEDED. THAT IS WHY THE WOMEN'S TECHNICAL INSTITUTE WAS FOUNDED. I WILL BRIEFLY DESCRIBE THE INSTITUTE IN ORDER TO FURTHER EXPLAIN AND UNDERSCORE THE NEED FOR SPECIAL PROGRAMS AND ATTENTION TO THIS ISSUE.

THE INSTITUTE WAS FOUNDED IN 1975 BY WOMEN WORKING IN THE BOSTON HUMAN SERVICE SYSTEM WHO HAD RECOGNIZED THE NEED FOR INCREASING VOCATIONAL OPTIONS FOR LOW INCOME WOMEN. WE REALIZED THAT THE KEY TO EXPANDING THE OPPORTUNITIES FOR ECONOMIC INDEPENDENCE WAS TO BEGIN FACILITATING WOMEN'S ACCESS TO NON-TRADITIONAL OCCUPATIONS. WTI IS A LICENSED, ACCREDITED NONPROFIT TECHNICAL SCHOOL -- THE COUNTRY'S FIRST AND ONLY TECHNICAL SCHOOL WHOSE PROGRAMS ARE DESIGNED SPECIFICALLY TO MEET BOTH WOMEN'S NEEDS AND BACKGROUNDS AND THE HIGH TECH INDUSTRY'S NEEDS FOR TRAINED WORKERS. WE TRAIN APPROXIMATELY 200 WOMEN EACH YEAR. WE OFFER CERTIFICATE PROGRAMS IN ELECTRONICS, DRAFTING, SURVEYING, AND TECHNICAL WRITING. STUDENTS CAN COMPLETE THEIR COURSE OF STUDY IN SIX MONTHS FULL-TIME OR TWELVE MONTHS PART-TIME. THERE ARE 900 WTI GRADUATES WHO ARE WORKING AS TECHNICIANS, FIELD SERVICE REPRESENTATIVES, TECHNICAL WRITERS, DRAFTERS, CAD OPERATORS, AND PRINTED CIRCUIT BOARD DESIGNERS AT MORE THAN 200 COMPANIES.

WHAT KIND OF WOMEN COME TO WTI? THEY ARE AN UNUSUALLY DIVERSE GROUP OF ADULT WOMEN RANGING IN AGE FROM 18 TO 55. THEY COME FROM DIFFERENT RACES, EDUCATIONAL BACKGROUNDS, LIFE EXPERIENCES, AND NEIGHBORHOODS. THEY COME TO THE INSTITUTE FOR DIFFERENT REASONS, BUT THEY ALL SHARE A FERVENT DESIRE FOR MEANINGFUL WORK AND A DECENT SALARY TO SUPPORT THEMSELVES AND THEIR CHILDREN.

THE EXISTENCE AND HEALTH OF THE WOMEN'S TECHNICAL INSTITUTE -- NOT TO MENTION THE SUCCESS OF OUR GRADUATES -- IS A POWERFUL STATEMENT ABOUT THE INCREASED ROLE WOMEN AND MINORITIES PLAY IN OUR ECONOMY. BUT LET'S BE FRANK. AN EDUCATIONAL RESOURCE FOR A FEW THOUSAND WOMEN IS NOT A PANACEA FOR THE EMPLOYMENT PROBLEMS OF MILLIONS OF LOWER INCOME WOMEN. THERE IS A LONG ROAD AHEAD TO ACHIEVING FULL EDUCATIONAL AND ECONOMIC EQUITY IN AMERICAN SOCIETY. AND WHILE WTI IS NO PANACEA, IT IS A PERMANENT ESTABLISHED EDUCATIONAL INSTITUTION PRODUCING QUALIFIED TECHNICIANS FOR IMMEDIATE INDUSTRY NEEDS AND MAINTAINING INCREASED VISIBILITY IN THE COMMUNITY. THE INSTITUTE HIGHLIGHTS AND FOSTERS GREATER UNDERSTANDING OF WOMEN'S ROLE IN TECHNOLOGY. ITS GRADUATES ARE A VISIBLE DEMONSTRATION OF WOMEN'S INTEREST AND CAPABILITY IN TECHNICAL EDUCATION AND EMPLOYMENT.

I WOULD LIKE TO CONCLUDE MY REMARKS BY SUMMARIZING THE MOST IMPORTANT THINGS WE HAVE LEARNED IN OUR SCHOOL'S ELEVEN YEAR HISTORY.

NUMBER ONE -- WOMEN ARE INTERESTED IN TECHNICAL AND TRADE WORK. EACH YEAR THOUSANDS OF WOMEN CONTACT OUR SCHOOL SEEKING EMPLOYMENT AND TRAINING OPTIONS. THEY ARE OFTEN UNDEREMPLOYED, UNEMPLOYED AND DEAD-ENDED. THEY CALL WITH WHAT I REFER TO AS A CODE REQUEST: "WHERE CAN I LEARN COMPUTERS, OR WHERE CAN I LEARN TO BE A CARPENTER?" IT REALLY MEANS: "I DON'T WANT TO CONTINUE THE WORK I HAVE BEEN DOING AND I AM OPEN TO NON-TRADITIONAL POSSIBILITIES." WHY DOES SHE USE ONE OF THE CODE REQUESTS? WOMEN KNOW VERY LITTLE ABOUT TECHNICAL AND TRADE JOBS, THE OPPORTUNITIES IN THESE FIELDS, THE REALITIES OF WORK ENVIRONMENTS, SALARY, SKILLS, JOB DUTIES, ETC.

WHICH LEADS ME TO THE SECOND POINT: THERE IS A TREMENDOUS INFORMATION GAP FOR WOMEN ABOUT NON-TRADITIONAL JOBS. NOT HAVING BUILT TOY AIRPLANES, WORKED ON THE CAR OR AROUND THE HOUSE WITH DAD, TAKEN ANY SHOP OR ENOUGH MATH, THERE IS A HUGE INFORMATION AND KNOWLEDGE VOID. BECAUSE THEY LACK KNOWLEDGE OF THE OPTIONS, HAVE NO PREVIOUS EXPERIENCE, AND BELIEVE THEY LACK THE APTITUDE -- A GREAT DEAL OF INFORMATION AND EXPLORATION IS NEEDED TO OFFSET STEREOTYPIC VIEWS OF TECHNOLOGY AND ACCOMPANYING FEARS. WOMEN NEED FAIR, BALANCED INFORMATION ON THE JOBS THEMSELVES, AND ASSISTANCE ASSESSING THEIR SKILLS, INTERESTS, AND APTITUDES.

POINT #3: RECRUITING WOMEN INVOLVES SPECIAL EFFORTS. WOMEN MUST BE ENCOURAGED TO APPLY. OUR ADS SHOW ATTRACTIVE AND HAPPY WOMEN -- AND I MIGHT ADD THEY SAY LITTLE ABOUT THE TECHNICAL CONTENT OF OUR TRAINING OR THE JOBS AVAILABLE UPON GRAUATION. WE KNOW THAT WOULD SCARE TOO MANY AWAY INITIALLY. WE MUST CAREFULLY ADDRESS FEARS OF MATH, SCIENCE AND RECEPTIVITY TO FEMALES IN ORDER TO ENABLE CANDIDATES TO EVEN CONSIDER SOMETHING SO DIFFERENT. CHOOSING TO EMBARK ON A NON-TRADITIONAL FIELD IS LIKE CHOOSING TO SWIM AGAINST THE STREAM.

POINT #4: PROGRAMS SPECIFICALLY TARGETTED FOR WOMEN WHICH ARE DESIGNED TO MEET THEIR NEEDS AND BACKGROUNDS WORK. I SINCERELY BELIEVE THAT THE MAJORITY OF OUR SCHOOL'S STUDENTS WOULD NOT HAVE CONSIDERED OR ENTERED TECHNICAL EDUCATION AND EMPLOYMENT IF OUR SCHOOL DID NOT EXIST. FOR EXAMPLE, OUR INSTITUTE HAS TRAINED AND PLACED MORE FEMALE ELECTRONIC TECHNICIANS AND DRAFTERS IN ITS 11 YEAR

HISTORY THAN BOSTON'S 75-YEAR-OLD COEDUCATIONAL TECHNICAL INSTITUTE. SHORT-TERM NO FRILLS CERTIFICATE PROGRAMS SPEAK TO ADULT WOMEN'S NEEDS. FURTHER EDUCATIONAL AND CAREER ADVANCEMENT CAN BE MANAGED THROUGH COMPANY TUITION REFUND PROGRAMS.

IN CONCLUSION, I WOULD JUST LIKE TO SAY THAT THE DYNAMIC NATURE OF OUR SOCIETY AND ECONOMY REQUIRES US TO ANTICIPATE AND NOT JUST REACT TO CHANGE. WOMEN'S PARTICIPATION IN THE WORK FORCE HAS CHANGED DRAMATICALLY OVER THE PAST 35 YEARS, AND CONTINUES TO DO SO, AND OUR SOCIETY HAS BEGUN TO ADAPT. FOR EXAMPLE, EXECUTIVE ORDER 11246 EXISTS, AS DO FEDERAL REGULATIONS IN VOCATIONAL EDUCATION, CONSTRUCTION, AND APPRENTICESHIP. THERE IS GREATER AWARENESS OF THE CRYING NEED FOR MORE AND BETTER DAYCARE, ACCESS TO THE FULL EMPLOYMENT SPECTRUM, JOBS WITH BETTER PAY, JOBS WITH MEDICAL BENEFITS, AND OUR SOCIETY'S GUARANTEE THAT ADVANCEMENT OPPORTUNITY IS NOT CONTAINED BY ONE'S SEX OR RACE. I URGE YOU TO SAFEGUARD THE PROGRESS WE HAVE MADE THUS FAR IN INTEGRATING OUR WORKFORCE AND GUARANTEEING EQUAL OPPORTUNITY FOR ALL, AND TO COMMIT YOURSELVES TO KEEPING THESE ISSUES WHICH ARE SO IMPORTANT TO OUR COUNTRY AND OUR ECONOMY UPPERMOST ON YOUR AGENDA. THANK YOU.

Senator **Metzenbaum**. Ms. Bahn, who founded the Women's Technical Institute?

Ms. **Bahn**. I was one of the founders.

Senator **Metzenbaum**. And is it a profit institute or nonprofit?

Ms. **Bahn**. It is a nonprofit.

Senator **Metzenbaum**. Nonprofit. And how do the women who enroll there pay their tuition, the poor women? How is that done?

Ms. **Bahn**. Because we are accredited, our students are eligible for Federal financial aid. Some also are sponsored by JTPA; their SDA's send them. The Massachusetts Welfare Department also sponsors students.

Senator **Metzenbaum**. Very good. It is wonderful to see the product and result of the training.

Ms. Scott and Ms. Davis, what advice would you have for other women trying to climb the same ladder that you two have climbed?

Ms. **Davis**. I would say to the women: Do not give up. Keep pushing.

Ms. **Scott**. A lot of times during the process, whether it be going to school or in the job search, it is very easy to give up, very easy. It is very discouraging, and you have put that much time into it, and you should follow through. It is important.

Senator **Metzenbaum**. Were there adequate day care centers for your children while you were going to school and while you were going to work?

Ms. **Scott**. No. I had to rely on neighbors. I had various neighbors that I used to pay. I paid high dollar amounts, extremely high dollar amounts. There was no subsidy. There was a subsidy while I was going to school to help pay for the day care at a lower income. After I went to work, there was not, so I paid the highest dollar I had to pay. It was important.

Senator **Metzenbaum**. Ms. Davis?

Ms. **Davis**. There was day care while I was attending school, but there was a long waiting list of a year or so, so I depended upon family and friends for day care for my younger daughter.

When I started working, she was five years old, so she was able to go right on into kindergarten.

Senator **Metzenbaum**. Ms. Bahn, do you find the problem of day care a serious one?

Ms. **Bahn**. Yes, very serious. The waiting lists are a big issue for our students.

Senator **Metzenbaum**. The Chair has some very strong feelings on legislation along this line. I have the feeling that the Federal Government would save literally billions of dollars if we had more adequate day care and helped a sufficient number of those day care facilities to be operable——

Ms. **Bahn**. Amen.

Senator **Metzenbaum** [continuing]. Because by having the day care centers, it makes it possible for women—in some instances, men—to work and produce income and therefore pay taxes. And I think some statistics I have seen indicate that every dollar spent for day care brings in more than three dollars in revenue to the Federal Government.

Senator Kennedy?

Senator **Kennedy**. Thank you, Mr. Chairman.

I, too, want to congratulate all of the witnesses. It is really an extraordinary testament to your own individual courage and perseverance. They are remarkable, remarkable stories.

And just to get back to the day care and health care, I think they are always important issues besides training, to permit individuals, women in this case, to move ahead.

In your jobs now, Ms. Scott and Ms. Davis, do you have health care provided?

Ms. **Scott**. Right now, I actually only have two children who require day care. My older two, one is 17, one is 13, so they are more or less—the two younger ones, I compensate a neighbor for keeping an eye on them. Right now, it is after school and during the summertime, and it is a lot easier.

But there have been instances when my children were young, and I had all four of them involved with day care. And I have actually seen women take their children from day care programs because the money it cost them for day care and the money they earned, they would make more money to stay home on welfare—and that is fact. I could have done the same thing. I would have been at an advantage to stay at home and have food stamps, welfare and all my medical costs paid for through Medicare.

So it is very easy to fall into the welfare trap when you are paying day care and you are trying work at a salary, and you are just not making ends meet.

Senator **Kennedy**. Ms. Davis?

Ms. **Davis**. As far as the day care is concerned, I do not have to use the day care now because my children are of age. I wanted to know, do you mean day care sponsored by the job, or——

Senator **Kennedy**. Well, I was interested in both. I think you commented earlier with regard to Senator Metzenbaum's question that when you were taking the program, you worked out arrangements with your neighbors.

Ms. **Davis**. Yes, and waiting lists. I also put her name on the waiting list when I had the feeling I was going to get out and do something; I just went and put her name on a lot of waiting lists and just waited.

Senator **Kennedy**. Waiting lists for what?

Ms. **Davis**. I put her name on the waiting list for day care centers.

Senator **Kennedy**. How long is the wait on the list in order to get into day care?

Ms. **Davis**. A year or two; it was in 1984. I have no idea what it is now.

Senator **Kennedy**. Is that about right?

Ms. **Scott**. That is right.

Ms. **Bahn**. I do not know.

Senator **Kennedy**. What about health care, Ms. Scott and Ms. Davis?

Ms. **Scott**. Well, I am company-sponsored. I have all my benefits through my company, and I have extraordinary benefits. In the high-tech industry, the benefits are quite good.

Senator **Kennedy**. Ms. Davis?

Ms. **Davis**. The benefits are OK. They are great for the individual who is working, but as far as family, no. I believe the benefits are for people who are sickly. The package deal is for people who are sickly, in and out of the hospital, where they pay for the whole room and everything. But if you have to have a general checkup, you have to pay for it.

Senator **KENNEDY**. I should know more about your Institute than I do, Ms. Bahn, because of its extraordinary achievement as we have seen here. Let me ask you, what is the waiting list for entry into your Institute?

Ms. **BAHN**. There is no waiting list.

Senator **KENNEDY**. So anyone who makes application, if they qualify, can gain entry?

Ms. **BAHN**. That is right, yes.

Senator **KENNEDY**. And what percent of the ones who graduate are you able to place?

Ms. **BAHN**. Eighty-five percent.

Senator **KENNEDY**. And does that percentage hold pretty well after one year's employment?

Ms. **BAHN**. Absolutely. And they continue to move up, I think, and advance in their careers.

Senator **KENNEDY**. What are your principal sources of revenues to fund the Institute?

Ms. **BAHN**. Fifty percent is tuition revenue; over 90 percent of that is GSL's and Pell Grants; 25 percent is Government contracts, and 25 percent are foundation and corporate contributions.

Senator **KENNEDY**. One of the issues that you have probably been reading about is the default payment on various GSLs and others. How does that work out in terms of your Institute?

Ms. **BAHN**. Well, I am not sure of our default rate. I think we are doing fine. I am extremely concerned about that, though. I think career schools really suffer sometimes the most in terms of really making opportunities available to people who come with a lot less, or more disadvantaged. So I think it may make a greater blow on private career schools including the nonprofits like ours.

Senator **KENNEDY**. Well, of course, you are familiar with the fact that we have moved from sort of grant programs in terms of education support into loan programs over the period of the last seven years in a very significant way, which puts additional burdens on those who receive them. And I would think in many situations, like the kinds of training programs that you are embarked on, you are talking about people, as we heard in the testimony today, who are right on the edge in terms of survivability. I mean, it is extraordinary testimony to their personal qualities, I think. I am just really amazed by it.

It would seem to me that other individuals who may have a good deal of the kinds of persevering qualities that we have heard from these witnesses, that if they are not quite able to make it, if they cannot quite make that day care program, and they are encumbered by these burdens, let alone the additional burdens of day care and providing for the kids and all the rest, it would seem to me extraordinary if they were able to reach the payments.

Ms. **BAHN**. That is right. We are seeing this year, because of the changes in Federal financial aid regulations--and they are much more strict—many people who wanted to come could not come any longer. It is particularly discriminating against single heads of household. It is geared more toward somebody who lives at home with their parents and is going to a 4-year college or institution. So we have found that the number of people we can put together financial aid packages for has diminished rather than increased.

Senator KENNEDY. Ms. Scott and Ms. Davis, did you get scholarship assistance when you were attending the institute?

Ms. SCOTT. I went to school in 1980, and I went through CETA. I was eligible for CETA.

Senator KENNEDY. Well, we have heard a lot of people rap old CETA.

Ms. BAHN. It got a bad rap.

Ms. SCOTT. It did get a bad rap, because they sent me to school, they paid me a weekly stipend, which kept food on the table.

Senator KENNEDY. It is all those old programs that never helped anybody that we hear about.

Ms. SCOTT. Yes; I found it extremely beneficial to me. In my situation it helped me immensely. I do not know where I would be without it today.

Senator KENNEDY. Ms. Davis?

Ms. DAVIS. I believe I caught the ending part of CETA because I came in—it was between CETA and the loan.

Senator KENNEDY. Extraordinary.

Mr. Chairman, I do not want to overly burden Ms. Bahn, but I wonder if I could submit a couple of questions to you about the profile, about the kinds of scholarship programs you are doing, and how people have been able over the course of the institute—I do not want to create a lot more paperwork, but I think it is extraordinary to find out how people are able to do it. I think it would be very helpful, certainly to me, and I think interesting to the committee.

I will propose some questions and ask that they be made a part of the record.

[Responses of Ms. Bahn to questions submitted by Senator Kennedy follow:]

EDWARD M. KENNEDY, CHAIRMAN

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United States Senate
COMMITTEE ON LABOR AND
HUMAN RESOURCES
WASHINGTON, DC 20510

December 2, 1987

Ms. Sharyn Bahn, Executive Director
Women's Technical Institute
1255 Boylston Street
Boston, Massachusetts 02215

Dear Sharyn:

On November 17, 1987 I listened with great interest to your testimony about the Women's Technical Institute in Boston before the Subcommittee on Labor of the Committee on Labor and Human Resources.

During the hearing I asked if you could provide the Committee with information about your outstanding program that was not included in your written testimony. In particular, I would like to include in the hearing record: 1) a profile of the students enrolled in the Women's Technical Institute; 2) a summary of the strategies your students have taken for fulfilling their financial and family obligations while getting training; 3) an analysis of how their strategies have changed in response to the federal government's emphasis on loan programs for education and training rather than direct grants.

Your cooperation in furnishing responses for the Committee is greatly appreciated.

Sincerely,

Edward M. Kennedy
Chairman

WOMEN'S
TECHNICAL
INSTITUTE

December 9, 1987

Senator Edward M. Kennedy
United States Senate
315 Russell Senate Office Building
Washington, DC 20510

Dear Senator Kennedy:

In response to your questions at the November 17 hearing, I enclose the following additional information:

1. WTI Student Profile:

Each year WTI serves over 200 women -- an unusually diverse group of women who come from different races, life experiences, educational backgrounds, and neighborhoods. The average age is 30, yet students cover the spectrum from 18-55 years of age. Thirty-five percent are minorities. Thirty-seven percent are single heads of households, responsible for sole support of their families. Approximately 80% of our students come from Greater Boston, while the rest commute from throughout Massachusetts and New England.

Women who attend WTI come from diverse backgrounds and experiences. They have worked as nurse's aides, day care providers, bank tellers, waitresses, assemblers, salesclerks, teachers, and secretaries. They come to WTI in search of a career which offers greater financial renumeration, more challenge, and opportunities for advancement. Their educational backgrounds range from high school drop-outs to college graduates with the majority being high school graduates.

2. Strategies WTI Students Use for Fulfilling Financial and Family Obligations During Training:

A major attraction of our school for adult women with such obligations is that our programs are concentrated and relatively short-term, i.e. six months full-time or twelve months part-time. Managing financial and family obligations for up to one year is more conceivable than for the years it would take, for example, at a degree-granting institution.

1255 Boylston Street
Boston, Massachusetts 02215
Telephone (617) 266-2243

To finance their education, students utilize the following resources:

1) through JTPA and Massachusetts ET (and to a small extent Massachusetts Rehabilitation Commission and Disabled Workers Fund), 30% of our students completely finance their tuition expenses. Daycare expenses are covered under JTPA and ET.

2) for students not eligible for JTPA or ET, we put together financial aid packages consisting of PELL grants, Guaranteed Student Loans, and Student Supplemental Loans (SLS). Part-time students work during the day to cover their living expenses and family obligations. Full-time students either receive welfare or draw upon savings or borrow money to cover their living expenses during their six months in training.

3. Impact of Federal Government's Emphasis on Loan Programs Versus Direct Grants:

WTI's students are low-income and working poor women who simply cannot afford to attend our school without comprehensive financial aid packages. The combined effect of the 1986 regulation change for GSL eligibility and the lowered income guidelines for PELL grants has put an extra burden on our school's own limited Revolving Loan Fund. Fewer students now are eligible for the GSL program (from 53% in 1985 to 34% in 1987). More students have had to use the SLS, which demands higher interest rates and less flexible payments. Our school's loan to help students complete their tuition package has increased from an average of approximately $600 to $1,000 per person. We feel strongly that the new financial aid regulations, not to mention the proposed regulations on school default rates, disproportionately affect women.

Please let me know if you have additional questions. Again, thank you for your interest in our school and the economic issues facing American women.

Sincerely,

Sharyn Bahn

Sharyn Bahn
Executive Director

SB:bd

Senator **Metzenbaum**. We will include those in the record.

Senator **Kennedy**. Thank you very, very much, Mr. Chairman.

Senator **Metzenbaum**. Thank you.

Ms. Bahn, I have a couple more questions for you. Do women need advanced degrees or BA's to make it in high-paying high-tech jobs?

Ms. **Bahn**. Well, if men do not need them, I do not see why women should. But the honest answer is yes and no—no, as long as men can graduate from private career schools and get good high-tech jobs; yes, insofar as everything in our society is pointing toward more and more education.

Senator **Metzenbaum**. What are the advantages and disadvantages of offering cash incentives under JTPA to programs that place women in high-paying jobs or in jobs that have an unusually low percentage of women?

Ms. **Bahn**. That is a long question. In Massachusetts there are set-asides and performance-based criteria for JTPA. And what I see happening is frequently, unless it is clearly specified that it is for nontraditional jobs, frequently the money goes toward training men toward higher-paying jobs. So I feel unless the money is clearly earmarked for women into nontraditional jobs, you will not necessarily see the impact of that kind of set-aside.

Senator **Metzenbaum**. Thank you very much.

You have been an excellent panel, and I really appreciate your cooperation.

Ms. **Bahn**. Thank you very much.

Ms. **Scott**. Thank you, Senator.

Ms. **Davis**. Thank you, Senator.

Senator **Metzenbaum**. Our next panel will provide an overview. Jill Feblowitz is a Representative of Local 103, IBEW, AFL–CIO, Boston; Cynthia Marano is executive director of Wider Opportunities for Women, Inc., Washington, DC; and Derrell De Passe is Director, Governmental and Community Affairs, Varian Associates, Palo Alto, CA, on behalf of the American Electronics Association.

I am very happy to welcome all of you.

Ms. Feblowitz, if you would be good enough to proceed first.

STATEMENTS OF JILL FEBLOWITZ, REPRESENTATIVE, LOCAL 103, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, BOSTON, MA; CYNTHIA MARANO, EXECUTIVE DIRECTOR, WIDER OPPORTUNITIES FOR WOMEN, WASHINGTON, DC, AND DERREL DE PASSE, DIRECTOR, GOVERNMENTAL AND COMMUNITY AFFAIRS, VARIAN ASSOCIATES, PALO ALTO, CA, ON BEHALF OF AMERICAN ELECTRONICS ASSOCIATION

Ms. **Feblowitz**. Good morning, Senator Metzenbaum.

My name is Jill Feblowitz, and I am a construction electrician and representative of IBEW, Local 103, in Boston, MA—another Massachusetts resident.

I am what you might call a pioneer, one of the members of the first class of six women to enter Local 103 in 1978. Over the last 9 years, a relatively short period of time, I have seen many encouraging changes as far as women are concerned.

First, there are the quantifiable changes—from six women in 1978 we have increased tenfold to 72 women in 1987. There are six women who are foremen in my local union and two female union electrical contractors. The completion rate for women has been 70 percent over a period of 6 years.

We now have 34 licensed women electricians. We are still only 2.7 percent of the total construction electricians in our local, but we are making progress.

Then there are the more intangible indicators. I have to be honest in saying that when I first walked onto the job site in 1978, there was a great deal of hostility and resistance to my presence. A majority of my coworkers, teachers and contractors believed that I could not possibly do the job mentally or physically, that I would not make it, and that I did not belong there. Since then, there have been some new attitudes.

The contractors have found women to be energetic, reliable, capable and competent. Most of my coworkers have learned to live with women at work, and some are even encouraging their daughters, sisters and wives to apply to apprenticeship programs.

The business manager of Local 103 is fond of saying, "If the men in this local attended as many union meetings as the women, we would have to build a new union hall to hold all of them."

Consequently, women have been appointed to several union committees. Our success is due in part to the entrance of women into an organized work force which offers equal pay and more stability and continuity than in the unorganized electrical industry.

Although employed by many different contractors on scattered job sites, women in union apprenticeship programs can meet one another through school and union activities. Women in the nonunion setting tend to be more isolated.

A nonunion contractor may lay off a worker who is terminating their commitment to that apprentice's education. When a union contractor lays off an apprentice, she will continue to be a union member and attend school; employment and benefits will continue under another union contractor.

In the specific case of Local 103, we have always been able to maintain an open dialog that has resulted in the following accomplishments.

First, we have a union-sanctioned women's support group. Through our phone list and meetings, we keep in contact with each other. This support has kept me going when times got rough. The support also offers a "new girls" network where we can get information on available work, similar to the way men in the business frequently find work. Our group also discusses issues important to us—maternity leave and health and safety on the job. Sometimes, we even talk about electricity.

It is also a great place to share experiences and ways to deal with touchy issues.

A second productive program run by the Joint Apprenticeship and Training Committee is a yearly orientation for new women. Topics include apprentice school, clothing and how to find it, how to deal with physical elements, and what it means to be an apprentice, especially a female apprentice. I am convinced that this initial contact gives women unfamiliar with the industry a solid foundation.

The JATC and the Joint Affirmative Action Committee also run a biannual recruitment night for women. Publicity is done through the local media, women's and community organizations, government agencies, vocational schools, and union membership. A panel of women discusses the 5-year apprenticeship program and how to apply. As a result of this program, we have a greater pool of women to draw on. In addition, nontraditional work is new in our society, as you have heard today, and most women have a limited concept of it. After attending our presentation, a woman can make a more informed choice about the trades, and this helps to retain them within our union.

Finally, our business manager's office has run two steward training sessions concerning sexual harassment. Stewards and business agents learn the law, how to identify incidents of harassment, and how to handle grievances. Participants have left the course better equipped to deal with incidents that have arisen.

What more can be done? First, I would personally like to see more women and more minority women in the building trades. Minority women are still very few in number and must face the double burdens of racism and sexism on the job.

How can more women enter the trades? An effective program of affirmative action, monitoring and enforcement is essential to increasing the numbers of women in the trades.

The partnership concept may also be another way to increase numbers. One example is a program initiated last year in Boston by a group of tradeswomen. The Women in the Building Trades Program is funded through the city of Boston and Commonwealth of Massachusetts to give women the opportunity to become skilled tradespeople. The building trades union have worked closely with Women in the Building Trades to provide placement for 20 women in 7 different apprenticeship programs to date.

It has been a pleasure sharing our history with you, and I hope that this presentation will serve to stimulate more discussion.

Thank you.

Senator METZENBAUM. That was great, Ms. Feblowitz. I would recommend to the Electrical Contractors and the IBEW that they create a program and put you on the road, selling the concept of women in the union movement and women in the electrical industry. You do a great job.

Ms. FEBLOWITZ. Thank you.

[The prepared statement of Ms. Feblowitz follows:]

WOMEN IN NON-TRADITIONAL JOBS

Testimony of Jill Feblowitz

November 17, 1987

My name is Jill Feblowitz. I am a journey level construction electrician and representative of the International Brotherhood of Electrical Workers, Local 103 of Boston. In addition , I am a co-founder and member of the Board of Directors of the Women in the Building Trades Program. I also serve as Treasurer for the Greater Boston Chapter of the Coalition of Labor Union Women.

I am what you might call a pioneer, one of the members of the first class of six women to enter IBEW Local 103 in 1978. Over the last nine years, a relatively short period of time, I have seen many encouraging changes as far as women are concerned.

First, there are the quantifiable changes in my Local. From six women in 1978, we have increased tenfold to 72 in 1987. We now have 34 licensed women and 38 more apprentices on their way to becoming journeypersons. There are six women foremen (foremen are also union members) and two women who are union electrical contractors. The completion rate for women has been 70% over a period of six years. This is lower than the male completion rate of 90% but in view of the barriers women encounter, this is quite an achievement.[1]

Women are still only 2.7% of the total construction electrician members and only 2% of the foremen. Undeniably there is much catching up to do. Over the last few years, as federal enforcement of affirmative action has diminished, and as the Massachusetts economy has improved, our percentages of women have fallen off. There is a long way to go,but in a short nine years, we have made much progress.

There are also more intangible indicators of change. I have to be honest in saying that when I first walked on to a construction site in 1978 there was considerable hostility and resistance to my presence. It would be safe to say that a majority of coworkers, teachers, and contractors thought that women couldn't possibly do the job mentally or physically, that women wouldn't make it and that women didn't belong in construction. Since that time there have been some new attitudes.

New women coming onto the job have not felt the same pressure. They see that they can achieve their goal because other women have already done so. Contractors have seen that women tend to be energetic, reliable, capable, and competent. Most of my coworkers have learned to live with women at their worksite and some are even encouraging their daughters,sisters, and wives to apply to the apprenticeship program. The Business Manager of Local 103 is fond of saying, "If the men in this Local were as committed to the union as the women and if they came to as many union meetings, we'd have to build a new union hall to hold all of them". Consequently, women have been appointed to several union committees. Women have served on the By-Laws Committee, Health and Safety Committee, Union Newsletter, Public Relations Committee, Joint Affirmative Action Committee, AFL-CIO Women's Committee and AFL-CIO Housing Committee.

This is not to say that there haven't been obstacles to overcome. Sometimes it does feel like one step forward and two steps back; but in Local 103, we have several mechanisms which I feel successfully address the issues of women in non- traditional jobs.

Let me present an overview of some important factors in our progress. Our success is due in part to the entrance of women into an organized workforce which offers equal pay and more stability and continuity than in the unorganized electrical industry. The construction industry is quite unique in that the worksite and workforce are constantly changing. Construction jobs are scattered. There are many different electrical contractors in the industry. Jobs are completed and workers laid off as a matter of course.

Although employed by many different contractors at various locations, women in union apprentice programs can meet each other at school and union activities. Women in non-union settings tend to suffer from more isolation. While a union contractor must pay all workers at the same apprentice and journey level, non-union contractors often pay helpers and other workers at disparate rates. A non-union contractor may lay off a worker terminating benefits and commitment on the part of the employer to the apprentice's education. When a union contractor lays off an apprentice, she will continue to attend school. The union remains committed to finding her a job. There is no loss of benefits such as pension in this situation.

In the specific case of Local 103, the dedication of women combined with the openmindedness of the Apprenticeship and Business Manager's Offices has contributed to the success of women in 103. We have been able to maintain an open dialogue that has resulted in the following accomplishments:

First, we have a union sanctioned women's support group which all women are free to participate in. Through our phone list and meetings, we keep in contact with each other. This contact and support has kept me going when the going got rough. One of the problems that women in non-traditional jobs face is isolation. The support group helps lessen that isolation. It allows us to share our common experiences. We exchange helpful hints on ways to deal with touchy issues. The group gives us a chance to get some validation of the way we feel about the social dynamics of our working situation.

Our group also offers a "new girls" network where we can get information on available work opportunities similar to the way that men in the local frequently find work. Historically, men in construction have been related to other members. They get job contacts through their family ties.

Finally, we also address issues important to us--maternity and pregnancy leave, health and safety on the job. Sometimes we even talk about electricity.[2]

A second productive program run by the Joint Apprenticeship and Training Committee (JATC) is a yearly orientation program for new women apprentices and trainees. Women in the local come to talk about what school entails; clothing on the job and where to buy it; how to deal with the physical elements; and what it means to be an apprentice on the job, especially a female apprentice. I am convinced that this initial contact along with our phone list gives women who might not know anyone in the industry a solid foundation.

The JATC and the Joint Affirmative Action Committee (JAAC) also run a bi-annual recruitment night for women. Publicity and outreach is done through the local media--radio, TV, cable TV, major and local newspapers--women's groups, community organizations, government agencies and vocational schools. A mailing is also sent to the union membership. At the recruitment night, a panel of women discuss the five year apprentice program. Information is made available on application procedures to the apprentice and trainee programs.[3] Our attendance at three recruitment nights over the last six years has been over 250 with hundreds of calls to the JATC office. As a result of this program, we have a greater pool of women to draw on for entrance into apprenticeship. Non-traditional work is new in our society and most women have a very limited concept of what it entails. After attending our recruitment night, receiving follow-up phone calls,and meeting with journeywomen face to face, a woman can make a more informed choice about entering the trades. This helps our retention rate.

Finally, our Business Manager's office has run two steward's training sessions concerning sexual harassment. The stewards and business agents learn how to identify incidents of harassment. They also review the current laws on harassment. Case studies give participants practice in handling grievances. Participants leave with a better understanding of how to deal with incidents that have arisen.

What more can be done? I would personally like to see more women and more minority women in the building trades. It is especially difficult for minority women who at this point are much fewer in number and more isolated. They must cope with the double burdens of both racism and sexism that they encounter at work.

How can more women enter the trades? An effective program of affirmative action is essential to increasing the numbers of women. Despite our successes, there is still not an established voluntary effort to employ increasing numbers of women. Enforcement of affirmative action, and the perception of willingness to enforce are necessary and should continue.

The partnership concept may also be an important way to increase the numbers of women. One example is a program initiated last year in Boston by a group of tradeswomen called the Network of Women in Trade and Technical Jobs. This program, Women in the Building Trades, is funded through the city of Boston and the Commonwealth of Massachusetts to give women the opportunity to become skilled tradespeople. The building trades unions as well as contractors have worked closely with WIBT to provide placement for twenty women in seven different apprenticeship programs to date. A cooperative effort of government at state and local levels, industry and unions could mean more real opportunities for women.[4]

Second, more work still needs to be done on retention of women in the trades. Apprenticeship is very demanding and requires certain sacrifices. Apprentices must work a full day starting early in the morning.

They begin at pay rates lower than they might be accustomed to. They must work out in the cold, attend school and complete homework assignments. Finally, they study and complete the exhaustive license exam. Having a good support system at home has been important to women's continuing participation. Plumber's Local 12 in Boston has begun a program in this area. They invite family members to the apprentice school to an open house. Here they convey to family and friends what is required of an apprentice in hopes that they may be able to support their family member in his or her endeavors.

Another obstacle for apprentices who are parents, especially single parents, is finding child care during the early morning hours as construction workers must be on the job at 7:00 a.m. Some type of link with a childcare resource and referral system might alleviate this problem along with more attention to increasing the supply of quality childcare in general.

One of the problems we are just begining to address in our Local is the type of work assignments that women receive. Women are frequently assigned to less skilled more repetitive tasks. Not only can this be demoralizing for both the apprentice and the journeyperson, it limits the breadth of training. We are going to be exploring this issue in the coming months in Local 103 by developing a foreman's training session on women workers.

What can the federal government do to help women in non-traditional jobs? The government should continue to fund programs like Women in the Building Trades. Second, monitoring of affirmative action goals and timetables should continue. The government should also maintain the prevailing wage. Only in this way are women assured of receiving equal pay for equal work. Finally, the Department of Labor could assemble and disseminate information on programs of Local 103 and Women in the Building Trades so that other regions can become familiar with successful endeavors.

It has been a pleasure sharing our history with you and I hope that this presentation will serve to stimulate more discussion on women in non-traditional work.

IBEW Local 103 Females in Electrical Industry

Class Beginning	Appren.	Trainee	White	Black	Hisp.	I	Complete	% Complete	Total
1978	2	4	6				5	83%	6
1979	0	5	4	1			3	60%	5
1980	3	6	7	2			5	56%	9
1981	1	9	9	1			7	70%	10
1982	10	1	11				8	73%	11
1983	3	6	8		1		7	78%	9
1984	9	5	11	2		1	-		14
1985	6	4	8	2			-		10
1986	7	3	9	1			-		10
1987	2	7	8	1			-		9
TOTAL	43	50	80	10	1	1		70	93

	Total	Female	Percent Female	Black Female	Indian Female
Journeypersons	2160	34	2%	2	0
Apprentices	530	38	7.16%	5	1
Total	2700	72	2.7%	7	1
Foremen	250	6	2.4%	0	0

2

Some of the products of our support group include:

1. Maternity and pregnancy handbook. When some of us began to think about having children we discovered that the Local Union did not have a policy on members leave. We met with the Administrator of the Health and Welfare Fund, the Apprentice Director and the Business Manager to discuss leave of absence and disability benefits in order to produce a handbook.
2. Volunteer work at a battered women's shelter. We worked with the Apprentice Director and a Union Electrical Contractor in rewiring a burned out women's shelter. Women electricians and apprentices also volunteer their time to do electrical work at safe houses where no men are allowed.

3

The apprenticeship classes are filled from two sources. One is the Joint Apprentice and Training Committee Apprentice Application. Applicants must be 18 to 24 inclusive, have a high school diploma and one year of algebra to apply. They must take a state administered aptitude test and live within the jurisdiction of the Local Union. Interviews are also required.

The other source is the Joint Affirmative Action Trainee Application. Applicants must be over 24 and women or minorities. No test is required but a G.E.D. is necessary for application.Trainees participate in the same classes and work as the apprentices. Their only difference is that trainees have a probation period of three years as opposed to two for apprentices. They must interview with the Committee to be accepted.

Under a new system, apprentices and trainees start at the probationary period (PP) level. They attend school for four months while working at 30% of the journey level rate. In their second year of employment they become first year apprentices and so on until graduation in their fifth year of employment. Their pay increases by increment every six months so that upon graduation from the program plus completion of the state licensing exam, they receive the full journey level rate of $20.70 per hour as of November, 1987. After six months of employment, they are eligible for full health and welfare coverage. Pension benefits and annuity are contributed by the employers on a percentage basis.

4

Women in the Building Trades
c/o Roxbury Community College
625 Huntington Avenue
Boston, MA 02115
734-1960 Ext. 245
734-2047

October 9, 1987 WIBT REPORT for 1986 - 1987

Program Goals

The goal of the Women in the Building Trades is to give women the opportunity to become skilled tradespeople. In order to meet this goal WIBT provides a two-component program. The first component is an informational outreach and counseling service. The second is a Pre-Apprenticeship training course.

Program Summary

The Women in the Building Trades program began November 24, 1986 and was funded by the Mayor's Office of Jobs and Community Services. A total of 700 women have received counseling and job or training information. The range of contact activity included phone calls, workshop participation, and individual appointments. Most women did not know about the construction trades or the training systems available in Massachusetts. Twenty-four introductory workshops were held from December 86 - August 87. Approximately three hundred women attended workshops held at various community locations, including three Boston Housing Authorities and MCI Framingham.

The second component, the Pre-Apprenticeship training, ran for two cycles, twelve weeks each. Thirty-four women were enrolled; twenty-eight graduated. Fourteen are working in the construction trade (see statistics). Of the participants, 18% are minority and 30% single heads of households. All of the women were either in dead-end jobs or on AFDC. The average age was 27. All the neighborhoods of Boston were represented by the participants.

Curriculum

The basic structure of the outreach and counseling component is the introductory workshop. At the workshops women learn about the opportunities available in the building trades, the apprenticeship system, and the pre-apprenticeship program. They view the slide/tape show "Construction: A Career to Build On" and dialogue with a panel of tradeswomen.

The employment of "role models" is crucial to the goals of the program. The role models are women who have made the building trades their career and livelihood and who want to share their experiences and knowledge with more women. They are committed to the Women in Building Trade program and to the improvement of working conditions for women. Many women are just beginning to consider construction as a livelihood and have questions that need to be answered in a nonthreatening setting. The workshops, therefore, provide both general outreach for women interested in construction and a method of recruitment to the training program.

The twelve week Pre-Apprenticeship training allows women to examine the various skilled trades and make educated decisions about their pursuits. The training sessions are divided into the following three categories: testing and application preparation; the building trades; support information. (See attached 3rd Cycle Pre-Apprenticeship program for specifics within each category.) The training sessions meet two evenings a week and on Saturdays; they are designed to serve fifteen women.

Placement Statistics

Construction placements -15 (1 Cambridge woman)
    Carpenters - 2
    Electricians - 2
    Floorcoverers - 1
    Ironworkers - 1
    Painters - 3
    Plumbers - 4
    Sheetmetal - 1
Non-construction placements - 3

Applications pending - 5
    Carpenters - 1
    Electricians - 1
    Operating Engineers - 1
    Sheetmetal - 1
    Sprinklerfitters - 1

Submitted by Priscilla A. Golding, WIBT Director

3rd CYCLE PRE-APPRENTICESHIP PROGRAM

OCTOBER, 1987

1. Applicants have expressed interest in the following trades:

Bricklayer
Carpenter
Electrician
Floorcoverer
Glazier
Ironworker
Painter

Pile Driver
Pipefitter
Roofer
Plumber
Tile Work
Sheet Metal Worker
Cement Mason

2. The pre-apprenticeship training program will run for 12 weeks, beginning October 13. The group will meet Tuesday and Thursday evenings and Saturdays, and will follow the curriculum outlined separately.

3. The training sessions are divided into the following 3 categories:

Application Preparation and Testing

Math Review
Mechanical Aptitude Awareness
Interviewing Skills
Keeping A Job Log

The Building Trades

The Construction Industry
Blueprint Reading
Construction Site Visits
Shop Visits
Trade Sessions - Tools of trade
Clothes of trade
Apprentice and Journey level duties and responsibilities
Classroom demonstration with hands-on experience
Application process for each trade

Support Information

Health and Safety - Body Development
Body Awareness
Injury Prevention

Attitudes toward work for a rewarding trade experience
Dealing with sexual harassment
Union history and benefits

Senator **Metzenbaum**. Ms. Marano, we are happy to have you with us.

Ms. **Marano**. Good morning, Senator. It is a delight to be here.

I am going to summarize the statement which I have developed for the committee, and spend most of my time talking about remedies. I think the first two panels have given us a very clear picture of the problems.

I represent Wider Opportunities for Women, which is a 24-year-old national women's employment organization located in Washington, DC. One of our major public policy concerns is the continuing problem of occupational segregation in our society.

We have done a number of projects focusing on women in nontraditional occupations, and the special needs that women face in employment and training. I would like to highlight the findings of one of those studies for you because I think they undergird some of what Ms. Bahn said in the last panel.

In the early eighties, a look at what was happening to women in high-tech employment, and found much of what she described.

We conducted a study of four high-technology industries, since they are reputed to be the industries with the best human resources policies. We decided to determine the status of female employment and opportunities there, because we believed it could provide an indication of what is going on in the best employer situations.

Many of the firms reviewed were Federal contractors. Most had a high growth profile. We found the following: widespread prevailing occupational segregation; a visible lack of women and minorities in the highest paid and most responsible positions, and a persistent wage gap in positions where males and females were employed.

Only in the telephone industry, where there has been considerable affirmative action scrutiny and litigation, was progress in the movement and promotion of women apparent.

Rather than creating an opportunity, to this point expanding technology has presented new crises for many women. It has been estimated that almost 80 percent of women are concentrated in high-tech jobs that will be changed, eliminated or made obsolete by advances in automation.

If opportunities in the technical arena do not expand in more nontraditional areas, women's employment status will be seriously affected.

But let's move on to the remedies.

Wider Opportunities for Women sees two very important areas for Congressional attention. The first, of course, is the enforcement and improved implementation of affirmative action. Recent studies confirm that affirmative action in the form of goals and timetables has contributed to the gains that women have made in entering nontraditional jobs. We are strongly committed to the retention and improved enforcement of Executive Order 11246, which we believe is critical to the improvement of women's economic position in this society.

We were pleased to see that the Supreme Court findings in the Johnson case were so clear in upholding the use of affirmative action. But our network of women's employment and training providers across the country tell us that they are experiencing exactly what you have heard this morning: noncompliance with Executive Order 11246.

I spent some time in England over this past year and learned that municipalities in the United Kingdom—without a federal mandate or a federal statute such as Executive Order 11246—have sanctioned employers who are not meeting their affirmative action requirements more than in our Nation's history.

We have to realize that without better enforcement and sanctioning where appropriate, employers will never take Executive Order 11246 seriously.

However, the focus of my testimony today will be employment, education and training programs. I would like to focus on three areas—programs funded by the Federal Government under the Perkins Act, the Job Training Partnership Act, and recent developments with welfare reform legislation.

The vocational education system over which the Labor and Human Resources Committee has jurisdiction, is intensely segregated. Training which is being offered to men and women without equity. The Perkins Act, which you were involved in authorizing, is not doing the job it should, and I have documented that in my testimony.

If we move on to JTPA, you see a similar picture. I urge you, as you again look at JEDI—if it passes in the House—to consider a set-aside or some kind of incentives that will focus on nontraditional training for women.

Finally, when we look at welfare reform legislation, the issue of occupational segregations particularly critical. The Senate is going to be dealing with Senator Moynihan's bill, S. 1511. We believe that unless the job training elements of S. 1511 are improved, and unless the requirements for guaranteed child care are improved, S. 1511 would be a meaningless welfare reform initiative. We must also ensure that welfare recipients have support for enduring a broad range of well-paid jobs—and that will required expanded training in nontraditional areas.

I thank you for the opportunity to talk with you today. Hopefully I will be able to answer some questions for you, and I look forward to working with you and the Committee further on these issues.

Senator METZENBAUM. Thank you very much, Ms. Marano.

[The prepared statement of Ms. Marano follows:]

INCREASING WOMEN'S ECONOMIC EQUITY:
GREATER ACCESS TO NONTRADITIONAL JOBS

Testimony Presented by
Cynthia Marano, Executive Director
Wider Opportunities for Women, Inc.

Before the
Subcommittee on Labor of the Senate
Labor and Human Resources Committee

November 17, 1987

INCREASING WOMEN'S ECONOMIC EQUITY: GREATER ACCESS TO NONTRADITIONAL JOBS

I. INTRODUCTION

Good morning, I am Cynthia Marano, Executive Director of Wider Opportunities for Women (WOW), a non-profit national women's employment organization, located in Washington, D.C. WOW works to create systemic change in employment policies, programs, and practices to ensure economic independence and equality of opportunity for women. Since 1964, WOW has provided outreach, career counseling, skill training, educational assistance, job development, and job placement to more than 3,000 women in the Washington, DC metropolitan area. WOW also provides leadership to a national network of community women's employment and training programs, public administrators, employers, and other policy makers interested in expanding women's employment options. The network reaches into 48 states and into the lives of more than 300,000 individual women who seek to improve their employment opportunities and economic status.

II. THE NEED: OCCUPATIONAL SEGREGATION

One of WOW's key public policy concerns is that women continue to be segregated in occupations with the lowest pay and most limited benefits. Currently, 77% of women workers are employed in clerical, service, retail sales, and factory operative jobs. Nearly twice as many men as women hold managerial and administrative jobs in the economy; nearly three times as many men as women own their businesses.

The heavy concentration of women in low paying "women's jobs" contributes to a wide and persistent gap between the wages of women and men. Women earn only 64 cents for every dollar earned by men. When working full time, women continue to earn less then men in every job category, including those in which women predominate. Yet the wage gap narrows when women work in jobs that are traditionally held by men. (See Appendix A) Women are less likely to live in poverty when they are employed in non-traditional jobs.

Despite some evidence of male nurses and female carpenters, overall the labor market remains sharply segregated. The vast majority of women today work in jobs that are very similar to those held by their mothers two decades ago.

The presence of women in nontraditional occupations is extremely limited. Women comprised only 2.4% of skilled crafts workers in 1984. According to 1985 annual averages, women comprised 2% of workers in the construction trades generally:

they were .5% of brickmasons and stonemasons, 1.2% of carpenters, and 3.1% of construction laborers. And, in may cases, these small numbers represent large gains from the past. By 1981, there were 802,000 women employed in the skilled trades, more than double the number in 1970 and almost four times the number in 1960. The numbers of women apprentices increased from less than 2,000 in 1973 to more than 5,000 at the end of 1984. These advances, however, are relative; they are great only because women have so far to go in gaining access to nontraditional jobs.

That occupational segregation and discrimination persist in new, dynamic, and high growth industries is particularly disturbing.

In 1984, WOW conducted a study of four high technology industries -- industries reputed for their progressive personnel and human resource policies -- to determine the status of female employment and opportunities for the future. Many of the firms reviewed were federal contractors. Most had high growth profile.

WOW found the following:

** widespread, prevailing occupational segregation;

** a visible lack of women and minorities in the highest paid and most responsible positions; and

** a persistent wage gap in positions where males and females were employed.

Only in the telephone industry, where there has been considerable affirmative action scrutiny and litigation, was progress in the movement and promotion of women apparent.

Rather than creating an opportunity, expanding technology has presented new crises for many women. It has been estimated that almost 80% of women are concentrated in jobs that will be changed, eliminated, or made obsolete by technological advances and automation. If opportunities in the technical arena do not expand in more nontraditional areas, women's employment status will be seriously affected.

Studies of other trades or occupational groups have yielded dismal results as well. The Southeast Women's Employment Coalition (SWEC) analyzed U.S. Department of Transportation (DOT) figures of female participation in the workforces of 39 state departments of transportation. SWEC found that nationwide, fewer than 4% of highway jobs are held by women; one-fourth of 1% by women of color. The findings, released in 1985, focused on the promotion and hiring of women and minorities in six states. In California, only 17% of DOT employees were female and more than half worked in office or clerical positions. The department underemployed women in all other categories, and to reach parity with the civilian workforce, DOT would have had to hire 5,306 women and minority males. In Georgia, females constituted fewer than 10% of DOT employees, and no women served in official, administrative, or skilled craft positions. And in New York, women were less than 12.3% of the DOT workforce, and black women only one-half of one percent.

San Francisco Women in the Trades, a municipal employees organization interested in improving the status of women working in nontraditional jobs in the city, studied San Francisco's record of hiring women in nontraditional, skilled occupations in 1986. San Francisco has an affirmative action policy that requires 45% of nontraditional jobs be filled by women. But the good intentions of city elected officials have not been carried out in city hiring practices.

San Francisco Women in the Trades found women in only one of the city's 60 plumbing jobs; 1 of the 73 auto mechanic positions; 2 of the 145 stationary engineering positions; 17 of the 222 laborer positions; and 4 of the 250 engineering jobs. Every one of San Francisco's electrical and plumbing inspectors, fire fighters, and police sergeants and lieutenants were male. And these findings are especially ironic, since San Francisco has the largest population of skilled tradeswomen of any major metro area in the country.

III. REMEDIES

A multi-faceted approach is essential to reducing occupational segregation. Key elements include improving the implementation and enforcement of affirmative action, and providing adequate funding for education and training programs' which lead women to a broader spectrum of well-paid work.

A. Improving Implementation/Enforcement of Affirmative Action

WOW believes that enforcement of our nation's affirmative action policies is critical to ensuring economic independence and equal opportunities for women and minorities who continue to suffer the effects of past discrimination and who continue to face severe labor market underutilization. As a trainer of women for nontraditional jobs, WOW experiences first-hand the importance of a strong federal affirmative action program in helping to overcome occupational segregation.

Recent studies confirm that affirmative action, in the form of goals and timetables, has contributed to the gains that women have made in entering nontraditional jobs. WOW is therefore strongly committed to the retention and improved enforcement of Executive Order 11246 which we believe is critical to women's transition into the labor market. In 1983 and 1984, studies of the federal enforcement of Executive Order 11246 comparing contractor and noncontractor establishments found that affirmative action has been successful in promoting the employment of minorities and females.

Moreover, only through the use of gender and race conscious measures can women gain access to jobs from which they have been excluded in the past. Such measures serve not only as a prod to employers to recruit, hire, and promote qualified women, but as evidence to interested women that nontraditional jobs are an option for them.

WOW was pleased that the Supreme Court findings in the Johnson case were so clear in upholding the use of affirmative action to remedy occupational segregation and the past discriminatory practices in the California Department of Transportation. This is a critical message to the nation's employers. But at the same time, members of our Network nationwide tell us that employers across the country have experienced a substantial decline in enforcement from the U.S. Department of Labor's OFCCP. Adequate funding and special new initiatives by the Department of Labor may be needed to stimulate adequate enforcement. Technical assistance to employers, which provides real assistance in helping implement reasonable goals and timetable planning and evaluation is needed NOW. This may be done in target industries, where little impact of affirmative action policy can currently be documented--the construction trades, high tech firms, highway construction and transportation industries.

Such special initiatives can make a difference. A look at the coal mining and shipbuilding industries show how such measures can open up nontraditional jobs for women. There were no women coal miners in 1973. In the 1970's, after pressure and litigation from women's organizations, the OFCCP targeted the coal mining industry as one of several industries to focus on in its enforcement activities. The result was that coal mine operators began to comply with their affirmative action obligations under Executive Order 11246, as amended. The gains achieved for women because of this focus were dramatic: by December 1980, 3,295 women had become coal miners. Thus, because of affirmative action, the percentage of women hired in the industry went from 0 to 8.7% in seven years. Similarly, the numbers of women workers dramatically increased when the Maritime Administration required shipbuilding contractors to establish goals and timetables for women. The contractors found that as more women were hired, more applied.

This data provides evidence that the scarcity of women in nontraditional jobs cannot be attributed to a lack of desire by women for those jobs. When occupations become open, women have responded by moving into them.

B. Employment, Training and Educational Programs

Education and training programs also have the potential to positively affect women's economic status and participation in the labor force. These programs can help in reducing women's poverty by training and channeling women into nontraditional occupations with better earnings and benefits. Yet, currently sex segregation continues in publicly funded education and training programs and results in different training assignments, different outcomes and different earnings for women.

The vocational education system has great potential to assist women and girls enter nontraditional employment. About half of the 17 million students enrolled in federally funded vocational education courses and programs are women.

Yet there is great disparity between males and females in the kinds of programs in which they participate, and in the long-term economic consequences of their program choices. About 7 million students are enrolled in occupationally specific programs. In 1980, 78.8 percent of the female students in those programs were enrolled in traditionally "female" activities -- nursing, secretarial and food services. In secondary vocational education programs, nearly 70 percent of the female students are currently enrolled in programs leading to jobs and occupations that pay below-average wages. For post-secondary vocational and technical school programs, the corresponding figure is 60 percent. This pattern of sex segregation in vocational education perpetuates the economic disadvantage of women in the general labor force.

Research indicates that because the female labor market experience is different from that of men, many women and girls need a comprehensive array of services to prepare for the labor market. These services include: adequate, affordable and accessible child care; transportation assistance; basic education skills; career exploration; job search skills; life skills; and transition to work assistance. They may also need remedial math and science, hands on experience, and physical conditioning, depending upon the type of employment opportunity they seek. There is a need to develop and incorporate these services into nontraditional training programs for women.

The Carl D. Perkins Vocational Education Act of 1984, as this Committee is aware, emphasizes the delivery of targeted services to women and girls. The Sex Equity provisions of this Act encouraged states to focus on eliminating sex bias and stereotyping in secondary and post-secondary vocational education. Yet current research indicates that few states have funded or encouraged women to enter nontraditional training programs in any substantial numbers. In a 16 state study of implementation of the Act, WOW and the National Coalition of Women and Girls in Education found few nontraditional programs in operation. Those which have been funded have most often been low cost, one year efforts which cannot begin to overcome decades of sex bias and stereotyping in the system. Sustained, multi-year programs in targeted schools and school districts are need, with adequate funding to achieve change.

The Job Training Partnership Act (JTPA) also emphasizes sex equity and nontraditional training by requiring that efforts be made in all programs to develop training which "contributes to occupational development, upward mobility, development of new careers, and overcoming sex stereotyping in occupations traditional for the other sex." Yet studies in Indiana, Wisconsin, Maryland and other states on the state implementation of JTPA have indicated substantial variations by sex within specific training program assignments. Under JTPA, the majority of women participating continue to be placed in short term classroom training leading to jobs in the clerical and service sector, which result in lower wages. In addition, those provisions of JTPA which Congress established to remove barriers to JTPA training for women are frequently not being implemented. Most local service deliverers and nearly every state have failed to use the 15% allowable costs for supportive services. Few states have funded or implemented special efforts to train women in nontraditional occupations. Performance standards are being interpreted as an incentive to train participants in those occupations in which it is easiest to gain job placements and in the least expensive training categories. Training low income women for nontraditional jobs tends to take longer, cost more, and result in a longer placement period. Yet the results of this type of training include higher wages, better benefits, and a greater impact in overall economic terms.

While the Women's Bureau of the Department of Labor and WOW have provided extensive technical assistance to regions and states on this issue, JTPA administrators on the whole have continued to invest largely in lower impact training. Incentives may need to be added to JTPA, if we wish to see expanded nontraditional training for women. This should be encouraged in proposals like JEDI and in the overhaul of performance standards being undertaken by the Department of Labor.

A discussion of education and training for women cannot be complete without examining welfare employment programs. Both state and federally-funded welfare employment programs have tended to continue the occupationally segregated training found in vocational education and JTPA. This is particularly disturbing given the need of adult welfare recipients, who are more than 90% female, to gain jobs which will provide wages and benefits which can result in economic self-sufficiency. WOW urges the Committee to do all it can to ensure that quality training for jobs with a prospect of decent wages and benefits continues to be a focus in the current welfare reform debate. As I'm sure my testimony makes clear, any job is not the answer for women and families in poverty, and we must ensure that this reality becomes the basis for our welfare employment policies. Senate Bill 1511--Mr. Moynihan's welfare reform package offers no guarantees or incentives to states to provide this kind of quality investment and should be re-examined.

Equitable education and training programs, and affirmative action enforcement are key strategies in affecting women's participation in nontraditional employment and overall women's economic security. No single strategy is enough or will affect enough women. The approach needs to be extensive and multifaceted to overcome historical employment discrimination and occupational segregation.

I appreciate the chance to discuss these issues with you. WOW hopes to work with you to monitor how the programs you oversee are implemented and what effects they have on the future economic security of women and girls. We look forward to working with you to find new strategies to achieve greater progress in the years ahead. New strategies are needed to hasten the movement of women and girls into one full spectrum of the U.S. Labor market.

Senator **Metzenbaum**. Ms. De Passe?

Ms. **De Passe**. Senator Metzenbaum, good morning.

I appreciate the opportunity to provide this testimony on women in the electronics industries.

My name is Derrel De Passe. I am Director of Governmental Affairs for Varian Associates, and I am here today on behalf of the American Electronics Association.

The American Electronics Association is a national trade group representing 3,500 electronics and information technology companies. AEA members represent all segments of electronics, from computers and peripherals to defense and semiconductors. And AEA member companies come in all sizes, from industry giants to the smallest of start-up companies.

However, 72 percent of AEA members employ less than 200 people.

Varian Associates is a billion-dollar high-technology company that produces systems and components for communications, scientific, semiconductor, defense, medical and industrial applications worldwide. Varian has manufacturing operations in seven States including Arizona, California, Illinois, Massachusetts, New Jersey, Ohio, and Texas.

Nationwide, the electronics industry is the largest single manufacturing segment. The industry employs some 2.5 million workers. We have been eager participants in competitiveness discussions, and human resources has been at the heart of our competitiveness agenda for reasons both of corporate survival as well as good corporate citizenship.

A talented, technically literate and well-trained work force is absolutely essential to our efforts to regain a position of international leadership.

Although women historically have had low rates of participation in engineering and science, they are entering these fields in greater numbers than ever before. Between 1976 and 1984, employment of women computer scientists increased by 450 percent, and the employment of women engineers increased by 250 percent.

Unquestionably, gains have been made by women up and down the employment ladder since the enactment of the equal opportunity laws. However, few would disagree that more must be accomplished before women are represented at all levels of the business organization in numbers that reflect the majority in the U.S. population.

In the field of engineering in 1985, one out of every 14 engineers was a woman. This is a dramatic gain over 1972, when just one out of every 100 engineers was a woman.

However at the undergraduate level, female college enrollment in engineering has levelled off since 1983, causing great concern about the future supply of women engineers in the work force. Undergraduate college enrollment of women in engineering peaked at 17 percent in 1983, and today it stands at 15 percent.

On the other hand, the number of women enrolled in computer science programs has continued to grow steadily. In 1986, nearly 30 percent of all computer scientists were women.

In electronics, the progress of women toward upper management is an area where we agree we fall short. In part, this can be explained by the small size of the technical talent pool of experienced women from which the majority of high-technology executives are drawn, top manufacturing and marketing posts.

As relative newcomers, women are generally younger and have fewer years of professional experience than their male colleagues. For example, in 1984, only 40 percent of employed female scientists and engineers had more than 10 years of professional experience as compared to 73 percent of male scientists and engineers. As might be expected, salary differentials between men and women are smallest for the group of scientists and engineers with less than 10 years 'experience.

Many AEA member companies are investing considerable resources in programs which encourage young women to acquire the basic math and science skills necessary for high-technology engineers, managers and executives. Elementary, junior high school and high school experiences are major determinants in women's decisions to pursue careers in science. Special programs to ensure personal contacts with role models, hands-on experience, and honest discussion of working conditions positively influence career choice.

At the university level, many companies are offering scholarships and summer employment opportunities for women and minorities interested in science and engineering. AT&T is one industry standard-bearer, annually spending over $2.5 million for such programs.

The pace of technological progress dictates the flexible, ever-evolving technology work force. Retraining of the current work force therefore is a second area of active company intervention.

Finally, AEA has also taken a leadership role in trying to assure the availability of new workers and the state-of-the-art currency of present employees. The AEA-sponsored Electronics Education Foundation has raised over $18 million on behalf of engineering education.

AEA Councils have successfully marshalled legislative campaigns to secure State participation in industry-initiated programs to support engineering fellowship loans, faculty development and equipment donations in a number of States. State match contributions to these programs total some $4.5 million.

Finally, let me just say that other areas of activities include K through 12 math and science, institutionalization of affirmative action, and continuing education for the technical work force.

Senator **Metzenbaum**. Thank you very much, Ms. De Passe.

It is pleasing to the chairman that the American Electronics Association has so consistently been prepared to step forward both with respect to their work practices and with respect to the legislative process and be in a leadership role. I am very happy to have you with us here today.

Ms. **De Passe**. Thank you.

[The prepared statement of Ms. De Passe follows:]

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WOMEN AND THE ELECTRONICS INDUSTRIES

Testimony Presented to the
Subcommittee on Labor
Senate Committee on Labor and Human Resources

by

Derrel De Passe
Director, Governmental and Community Affairs
Varian Associates

on behalf of the American Electronics Association
Washington, D.C.
November 17,1987

Mr. Chairman and Committee members, I appreciate the opportunity to provide this testimony with regard to Women and the Electronics Industries.

My name is Derrel De Passe and I am Director of Governmental Affairs for Varian Associates. I am testifying today on behalf of the American Electronics Association.

The American Electronics Association is a national trade group representing 3,700 electronics and information-technology companies. AEA members represent all segments of electronics -- from computers and peripherals to semiconductors, to defense to software, etc. AEA member companies come in all sizes -- from industry giants to the smallest of startup companies. However 72 percent of AEA members are small companies, employing fewer than 200 people.

Varian Associates is a billion-dollar high-technology company that produces systems and components for communications, scientific, semi-conductor, defense, medical and industrial markets worldwide. We have manufacturing operations in 22 countries and seven states -- Arizona, California, Illinois, Massachusetts, New Jersey, Ohio and Texas.

As we all know, the United States is now seriously challenged in world trade. Once the unchallenged world leaders in the export of high technology to the international community, the industry last year experienced a $13 billion global electronics trade deficit and a $20.4 billion trade deficit with Japan alone.

Nationwide, the U.S. electronics industry is the largest single manufacturing segment in the U.S. The industry employs 2,480,000 workers. We have been eager participants in competitiveness discussions. And human resources are at the heart of our new competitiveness agendas -- for reasons of corporate survival as well as good corporate citizenship. A talented, well-trained workforce is absolutely essential to our efforts to maintain a position of international leadership.

Demographic data clearly demonstrate that women and minorities will become the most important segments of the workforce as we enter the 21st century. Fully 70 percent of all American women aged 25 to 54 are today at work for pay or actively seeking jobs.

Although females and most minorities have historically had low rates of participation in science and engineering, they are entering these fields in greater numbers than ever before. Between 1976 and 1984, employment of women computer scientists increased by 450 percent and employment of women engineers increased by 250 percent.

At my own company, Varian Associates, for example, the number of women technicians has increased 130 percent and the number of women professionals has increased 200 percent over the past eight years.

Unquestionably, gains have been made by women up and down the employment ladder since enactment of federal equal opportunity laws. However, few would disagree that much more must be accomplished before women are represented at all levels of management in numbers that reflect their majority in the U.S. population.

In the field of engineering in 1985, one out of every 14 engineers is a woman. This is a dramatic gain over 1972 when one out of every 100 engineers was a woman. However, at the undergraduate level, female college enrollment in engineering has levelled off since 1983, causing great concern about the future supply of women engineers for the workforce. Undergraduate college enrollment of women in engineering peaked at 17 percent in 1983; today it stands at 15 percent.

On the other hand, the numbers of women enrolling in computer science programs has continued to grow steadily -- suggesting that students have responded quickly to reported industry trends and to the promise of a receptive environment in which to work.

In 1986, nearly 30 percent of all computer scientists were women. The electronics industries are relatively youthful. We are fortunate to have a history of good labor relations and a well-deserved reputation of responsiveness to employees. We are benefit-intensive industries. For example, a full 93 percent of AEA member companies with over 100 employees offer educational benefits to employees.

Although the increase in the number of women entering the scientific workforce has been sufficient to change gender ratios, women have not reached equality with men. In electronics, the progress of women toward upper management is an area where we fall short. In part, this can be explained by the small size of the technical talent pool of experienced women from which high technology executives are drawn -- top manufacturing and marketing posts.

As relative newcomers, women are generally younger and have fewer years of professional experience than their male colleagues. In 1986, 81 percent of hardware and software managers had 10 or more years of experience. However, in 1984, only 40 percent of employed female scientists and engineers had more than ten years of professional experience as compared to 73 percent of male scientists and engineers.

And as might be expected, salary differentials between men and women are smallest for the group of scientists and engineers with less than ten years experience. As the number of women in high technology reaches critical mass, women are becoming a potent force for equal opportunity.

Many AEA member companies are investing considerable resources in programs which encourage young women to acquire the basic math and science skills necessary for high technology engineers, managers and executives. Elementary, junior high school and high school experiences are major determinants in womens' decisions to pursue careers in science. Special programs to ensure personal contacts with role models, hands-on experience and honest discussion of working conditions positively influence career choice.

Just one example of high technology involvement in the math/science pipeline at the local level is the Business Education Compact, founded by AEA member company Tektronix in Oregon. 60 percent of participants in K-12 math/science mentorship, international awareness and continuing education programs are female.

Similarly, Varian Associates, in partnership with the Urban Coalition, local area high schools and other high technology companies, developed a highly successful Peninsula Academies Program offering training in computer technology and electronics to potential high school dropouts. As one measure of the program's success, 95 percent of program graduates either pursue advanced degrees or find employment in fields related to this training. At least half of program participants are female.
At the university level, many companies offer scholarships and summer employment opportunities for women and minorities interested in science and engineering. AT&T is one industry

standard-bearer, annually spending over $2.5 million for such programs.

The pace of technological progress dictates a flexible, ever-evolving high technology workforce. Retraining of the current electronics workforce, therefore, is a second area of active company intervention. As mid-size and large electronics companies move to greater automation in manufacturing, the demand for technicians has declined. Remaining technicians need more sophisticated skill-sets, such as computer programming experience. Production employees are being retrained in office automation. These are information-intensive, higher level support functions with project responsibility. Their supervisors must be working managers with technical skills, capable decision makers, able to work both independently and across departmental lines. Many women already have the organizational and interpersonal skills necessary to move into these supervisory positions.

In February of 1986, the AEA Board of Directors reaffirmed its endorsement of member company affirmative action programs. While these plans vary greatly from company to company, AEA member company Motorola's aggressive stand on affirmative action is illustrative. Motorola requires middle and upper level managers to meet equal opportunity and affirmative action goals for technical and managerial staff or forfeit as much as 10 percent of earned bonuses.

One outside organization which women turn to for networking and career development assistance both as students and as working engineers is the Society for Women Engineers. SWE membership rolls include 9,100 student engineers and 4,600 practicing engineers. High technology corporate participation in SWE is quite strong. For example, an SWE member working at AEA member company Raychem Corporation in Menlo Park, California began a modest computer literacy program at nearby Ravenswood Middle School. This relationship led to the "adoption" of the school by Raychem and a host of highly productive spin-off activities. This panoply of activity continues to bear fruit. In 1987, two major science and engineering organizations are headed by women -- the American Society of Mechanical Engineers and the American Chemical Society. For the first time in its 46-year history, first and second place scholarship winners in the Westinghouse Science Talent Search were young women.

As the largest trade group for the electronics industries, AEA has taken a leadership role in trying to assure the availability of qualified new workers and the state-of-the-art currency of present employees. Mechanisms for action include the legislative advocacy of AEA government affairs committees, the local education activities of the twenty regional AEA councils, and especially the programs of the AEA-sponsored Electronics Education Foundation, which has raised over $18 million on behalf of engineering education over the last five years.

The cornerstone program of the Electronics Education Foundation is a faculty development program which provides fellowship-loan support for electrical/computer engineering and computer science students who wish to pursue Ph.D. degrees and go on to teach. Almost 15 percent of the 112 students now participating in the program are women. As in the case of industry, faculty role models for women are few and far between. Fewer than 6 percent of electrical engineering Ph.D. recipients in 1985 were women. A much smaller subset of these will go on to become faculty members.

AEA Councils have successfully marshalled legislative campaigns to secure state participation in industry-initiated programs to support engineering fellowship-loans, faculty development and equipment donations in California, Connecticut, New Jersey, and Oregon. State "match" contributions to these programs total $4.6 million. Match legislation has been proposed in Massachusetts as well.

The Executive Committee of AEA just this month agreed to expand the charter of the Electronics Education Foundation and its operating committee to include model programs in K-12 math and science. AEA activities now encompass K-12 math and science preparation, college teaching excellence, faculty development, fostering of research and development and other industry-university collaboration, institutionalization of affirmative action, and continuing education for the technical workforce.

As the voice of the electronics industries, AEA advocates a "kindergarten through life" approach to creating access to and opportunities for women in the high technology workforce. I have mentioned just a few activities of AEA member companies, as they individually step up to the challenge of creating true equal opportunity for women. Women have made considerable gains in the electronics industries in recent years and we are confident that this trend will continue apace.

Thank you for inviting me to testify. I will be happy to answer questions.

-OoO-

Senator **Metzenbaum**. Ms. Feblowitz, how do you respond to criticisms levelled at the IBEW and other unions that unions have stood in the way of women's participation in the building trades?

Ms. **Feblowitz**. Well, I think that there was a long period of time when it was difficult for women to get into the unions. I think that the situation is changing now. I think we have begun a very successful program in Boston, working with all the building trades unions and the city of Boston and the Commonwealth of Massachusetts to do massive recruitment to help the unions get women into the building trades and to help prepare those women who first start out for what they will encounter. This program has been very helpful to the unions, and they have started to really take this issue much more seriously, I think, and they have been very supportive in terms of admitting women from this program, all of the women from this program, who desire to go into the trades.

Senator **Metzenbaum**. How did you decide you wanted to become an electrician, since it obviously was an uphill road to get into it; what made you make that determination?

Ms. **Feblowitz**. To become an electrician? Well, I wanted to have a skill, a usable skill, where I could be employed anywhere in the country, and the pay was very appealing and the idea of working outside in a lot of different places—that was challenging to me. I do not think that I wanted to be an electrician since I was a little girl, although——

Senator **Metzenbaum**. Maybe you have a "magnetic" personality and you felt that you ought to become an electrician for that reason.

Ms. **Feblowitz**. I am shocked. [Laughter.]

Senator **Metzenbaum**. Let me ask you, you mentioned the problem of work assignments, which is something also raised by witnesses on our construction panel. Apart from training foremen, what can be done to ensure that women are assigned to their share of skilled tasks and not simply to menial or repetitive work? And also in your response, could you comment on relations you have had with your fellow workers as well as supervisory personnel.

Ms. **Feblowitz**. One of the things that might be a good system is there are a certain amount of reporting requirements, I know, in the Commonwealth of Massachusetts that apprenticeship systems have to make to the State Division of Apprenticeship Training, and those include reporting on the number of women and minority registrants. And what might be helpful is to have different apprenticeship programs also record the variety of tasks, different numbers of tasks, based on some kind of a numerical system, that each apprentice does on a yearly basis; some kind of a system where an apprentice would fill out a card saying that they did a certain amount of pipe-bending or wire-pulling over the year. That might be a helpful system, and in that way that type of thing could be monitored.

I have had the experience of having to actively seek work that was more demanding. And I have had to go to my foreman and say, "I am capable of doing this job. Will you put me on it?" Sometimes I have been successful in getting on varied work, and other times I have not. So that has been my experience.

I was very lucky to get varied apprenticeship training when I was going through school because I worked for a contractor that did excellent work and was very conscious that all apprentices got different types of work. But I know that that is not the experience of all the women in my local.

Senator **Metzenbaum**. What has it done to your social life, when you are out socially and somebody asks, "What are you doing?" And you are up there in the Massachusetts area where this one is teaching and this one is part of a research lab or something, and you say, "I am an electrician."

Ms. **Feblowitz**. Well, it is definitely not a boring occupation. It turns a lot of people's heads. People do not expect that small women could do such a job. But it is unique, and I am hoping there will be a time when it will not be that unique.

Senator **Metzenbaum**. I want to repeat what I said earlier, and that is, I think the contractors and the union ought to send you around the country, breaking new ground. You are a great example of an electrician in the field.

Ms. **Feblowitz**. Thank you.

Senator **Metzenbaum**. Ms. Marano, can you tell me just a little bit about Wider Opportunities for Women, Inc.? What kind of an organization is it; how is it funded; how long has it existed?

Ms. **Marano**. Wider Opportunities for Women is a national nonprofit organization, founded in 1964. We operate an ongoing job training program for low-income women in the Washington, DC, area. We serve about 250 women a year, and our focus is nontraditional training.

In addition, we work with a network of women's employment and training programs across the country in 48 States, some of which you have heard from today, including the Women's Technical Institute and Southeast Women's Employment Coalition. We use the network to share what is going on in different parts of the country, how Federal policies like JTPA are working for women, and to affect those policies.

Senator **Metzenbaum**. There has been a lot of talk about how women will become a more significant proportion of the work force between now and the year 2000. In your view, will this growth occur primarily in traditional women's jobs or in nontraditional job categories?

Ms. **Marano**. Senator, I wish I could tell you that I thought the major growth would occur in nontraditional areas, but I think without significant intervention here in Congress, the administration, and by advocates like those you have been hearing from this morning, we have no evidence that will happen.

Significant policy changes have to be made. And substantial enforcement of the policies we already have on the books will be required to make any dent in decreasing occupational segregation.

Senator **Metzenbaum**. Ms. De Passe, how do you explain the fact that so few women are employed in high-paying professional jobs in the electronics industry, and do you believe employers bear any responsibility for these somewhat discouraging statistics?

Ms. **De Passe**. Well, first let me say that I think the industry has made some significant gains, as I pointed out in my testimony, over the past 5 to 10 years. You have seen dramatic increases in the number of women holding engineering positions and technician positions, for example.

In my own company's case, for example, about 25 percent of the engineers currently are women, and that is a substantial increase over the past 5 years.

However, clearly, more has to be done, and I think one of the difficulties in getting more women at the highest levels of management is the fact that most of the people at the highest management levels have had significantly more than ten years of experience in the business whereas most of the women coming on have had less than ten years' experience.

Senator **Metzenbaum**. I would like to have a short comment from each of you as to the need for more adequate day care in order to get more women into the workplace.

Ms. **De Passe**. Day care is a critical problem, and it is one which our company has been addressing. We have a full-time child care coordinator on the staff who has designed a resource and referral system for all company employees, because one of the things we find is that while certainly there is need for more child care centers, that many times employees do not know where the opportunities lie. So we have in a sense a program which matches the employees with the existing opportunities. We have expanded this now and funded a program that will provide the same type of resource and referral service to the entire county where our corporate headquarters is located.

But clearly, it is a major problem, as is elder care for a number of women becoming a growing area of concern.

Senator **Metzenbaum**. Ms. Marano?

Ms. **Marano**. From my perspective, Senator Metzenbaum, there are two ways of looking at the urgency of child care. One is that we have to be sure that there is quality and affordable child care for women who are ready to be employed and who are already working.

The other is that we have to be sure that child care becomes a funded piece of employment and training initiatives like vocational education so that women have access to the programs and can then make transition into the work force.

Our experience at WOW over our 20-some years of history is that without child care, there is neither a good employment opportunity nor a good training or education opportunity.

Senator **Metzenbaum**. Ms. Feblowitz?

Ms. **Feblowitz**. I think as far as the construction trades are concerned, a resource and referral system would be extremely helpful, especially since we work at many different places so that we couldn't have an onsite facility.

Another problem that we encounter is having to go to work at seven in the morning and finding adequate facilities to take care of preschool children and school-age children until the time they go to school. And that is one of the systems that I would like to see established. There have been several women who have had to leave the industry because they have had problems with child care.

Senator **Metzenbaum**. Thank you very, very much. Your testimony has been very helpful and we greatly appreciate it.

Thank you.

Our next witnesses are Amparo B. Bouchey, Director of the Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation; and Shirley Dennis, Director of the Women's Bureau of the U.S. Department of Labor.

Since you each have sort of a retinue with you, would you like to introduce them, starting over on the left side?

Mr. HUDSON. My name is Bill Hudson, and I am Director of the departmental Office of Civil Rights at DOT.

Mr. MORRIS. Ed Morris, Chief of the Public Programs Division, Federal Highway Administration, Office of Civil Rights.

Ms. DENNIS. Shirley Dennis, Director of the Women's Bureau, U.S. Department of Labor.

Mr. BLAKEMORE. Jerry Blakemore, Director of the Office of Federal Contract Compliance Programs, U.S. Department of Labor.

Senator METZENBAUM. All right. Thank you. We are happy to have all of you here with us this morning.

We will start off with you, Ms. Bouchey, Director of the Office of Small and Disadvantaged Business Utilization, Department of Transportation.

Please proceed.

STATEMENTS OF AMPARO B. BOUCHEY, DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION, U.S. DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY BILL HUDSON, DIRECTOR, DOT OFFICE OF CIVIL RIGHTS, AND ED MORRIS, DEPUTY DIRECTOR, FEDERAL HIGHWAY ADMINISTRATION, OFFICE OF CIVIL RIGHTS; AND SHIRLEY DENNIS, DIRECTOR, WOMEN'S BUREAU, U.S. DEPARTMENT OF LABOR, ACCOMPANIED BY JERRY D. BLAKEMORE, DIRECTOR, OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Ms. BOUCHEY. Thank you, Mr. Chairman. I have summarized my remarks in order to stay within the 5-minute limit.

Senator METZENBAUM. All of your statements will be included in their entirety in the record.

Ms. BOUCHEY. I welcome this opportunity to appear before you to discuss the Department of Transportation's perspective on barriers to the employment of women in the construction industry, particularly federally funded highway projects.

We believe that the highway industry in the United States is unique. More than 3.8 million miles of roads and streets in this country are organized into systems administered by Federal, State, county and municipal government.

Highway construction, from the preliminary planning process to completion, can take from four to eight years and directly employs approximately 400,000 persons. It is estimated that 13 million jobs are related to the highway industry, which account for over 17 percent of the Gross National Product.

As in many other areas of work, women have not been well-represented in the highway construction industry. Women account for over 27 percent of the 3,439 people employed by the Federal Highway Administration (FHWA), about 16.7 percent of some 245,000 employees of State highway agencies, and 6.9 percent of almost 170,000 employees of highway construction contractors. Between 1975 and 1987, employment at State highway agencies experienced a 9.5 percent reduction. During this same period, the employment of women by State highway agencies increased by 89 percent.

The FHWA, State highway agencies, and contractors are continuing to introduce women to jobs available in the equipment operators, carpenters, ironworkers, cement finishers, laborers, and other highway construction crafts. In 1985 and 1986, women accounted for over 25 percent of on-the-job trainees and 18 percent of apprentices reported on Federal-aid highway projects.

In response to a complaint filed by the Southeast Women's Employment Coalition (SWEC), the Department completed its review of the employment practices in the 50 State Departments of Transportation and the District of Columbia. Data obtained during this review generally support SWEC's assertion that nationwide underrepresentation of women does exist in nontraditional jobs in highway departments and in the highway construction industry. The review effort was beneficial in obtaining more complete and concordant baseline data, and uncovering statistical gaps and other program weaknesses.

The Department has taken steps to increase efforts to enhance employment opportunities for women and to enhance the methods by which the Department collects, analyzes, and monitors employment statistics. These steps will enable the Department to take the action necessary to meet our statutory responsibilities. Specifically, we have taken the following steps:

Completed training cycles of two courses: "Assessing EEO Work Force Data" and "Investigating External Complaints of Discrimination." These courses were attended by FHWA Regional and division employees as well as State DOT employees. Copies of the participant manuals for both courses have been provided to SWEC representatives.

Completed a series of On-the-Job Training and OJT/Supportive Services Seminars, each one of which emphasized the recruitment and training of women.

Developed a work statement for a course of State and local government compliance personnel in "Conducting Contract Compliance Reviews."

Participated in national, statewide, and local conferences and workshops to address the employment and training of women in nontraditional jobs.

Consistent with 28 CFR 42, the Department relies upon existing FHWA contract compliance efforts as well as on-the-job training and supportive services programs to address patterns of under representation in the work forces of federally assisted highway construction contractors. These efforts have caused some improvement in employment opportunities for women.

The FHWA in conjunction with the Department of Labor Women's Bureau, and the Employment Training Administration, has negotiated an agreement to assess the methods used to involve women in nontraditional highway construction employment.

State highway agencies (STAs) are responsible for planning, designing, and construction of the projects. In 1986, over 1,300 on-site contract compliance reviews were conducted by State highway agency staff. Efforts are under way to provide training to State project and compliance personnel to increase the quantity and quality of such reviews.

Mr. Chairman, we believe that the changes in rates of representation of women in DOT-funded programs have been substantial. However, by no means do we consider our efforts to date to be enough. The challenge remains, and we will continue to work closely with the States, contractors and their associations, unions, and minority and women's organizations. Our efforts are aimed toward ensuring that employers meet their EEO obligations.

The Department will continue its monitoring and oversight efforts while testing and developing new initiatives to ensure that nontraditional job opportunities are expanded for women in union and open-shop areas.

We welcome these hearings and assure you that the Department, is committed to working positively with members of this Committee and representatives of other organizations who share your interests.

Thank you.

Senator **Metzenbaum**. Thank you, Ms. Bouchey.

[The prepared statement of Ms. Bouchey follows:]

Statement of Amparo B. Bouchey,
Director, Office of Small and Disadvantaged Business Utilization
U.S. Department of Transportation
Before the Subcommittee on Labor
Committee on Labor and Human Resources
United States Senate
November 17, 1987

Mr. Chairman and Members of the Subcommittee:

I welcome this opportunity to appear before you to discuss the DOT perspective on barriers to the employment of women in the construction industry, particularly federally-funded highway projects. At the witness table are Bill Hudson, Director of the Department of Transportation's Office of Civil Rights, and Ed Morris, Deputy Director of the Federal Highway Administration's Office of Civil Rights.

The Federal-aid highway program is a federally-assisted, State-administered program considered to be the most successful partnership between the States and the Federal Government, where the Federal Government reimburses States according to Congressionally mandated formulas to assist in constructing or improving roads.

We believe that the highway industry in the United States is unique. More than 3.8 million miles of roads and streets in this country are organized into systems administered by Federal, State, county, and municipal governments. The need to preserve and enhance the environment, anticipate future travel demands, coordinate with private developers, consider individual and neighborhood desires, and wisely expend public resources makes highway development a complex process.

Highway construction, from the preliminary planning process to completion can take from 4 to 8 years and directly employs approximately 400,000 persons. It is estimated that 13 million jobs are related to the highway industry which account for over 17 percent of the Gross National Product.

As in many other areas of work, women have not been well represented in the highway construction industry. Women account for over 27 percent of the 3,439 people employed by the Federal Highway Administration (FHWA), about 16.7 percent of some 245,597 employees of State highway agencies; and 6.9 percent of almost 170,000 employees of highway construction contractors (Figure 1). Between 1975 and 1987, employment at State highway agencies experienced a 9.5 percent reduction. During this same period, the employment of women by State highway agencies increased 89 percent.

Prior to 1975, the majority of women employed in the highway industry held administrative and clerical positions. Since then, significant "breakthroughs" in the employment of women in nontraditional jobs have occured. The changes in patterns of employment of women are portrayed in Figure 2. The FHWA, State highway agencies, and contractors are continuing to introduce women to jobs available in the equipment operators, carpenters, ironworkers, cement finishers, laborers, and other highway construction crafts. In 1985 and 1986, women accounted for over 25 percent of on-the-job trainees and 18 percent of apprentices reported on Federal-aid highway projects.

In response to a complaint filed by the Southeast Women's Employment Coalition (SWEC), the Department completed its review of the employment practices in the 50 State Departments of Transportation and the District of Columbia. Data obtained during this review generally supports SWEC's assertion that nation-wide underrepresentation of women exists in nontraditional jobs in highway departments and in the highway construction industry. The review effort was beneficial in obtaining more complete and concordant base line data, and uncovering statistical gaps and other program weaknesses. The Department has taken steps to increase efforts to enhance employment opportunities for women and to enhance the methods by which the Department collects, analyzes, and monitors employment statistics. These steps will enable the Department to take the action necessary to meet our statutory responsibilities.

Specifically, we have taken the following steps:

- Completed training cycles of two courses: "Assessing EEO Workforce Data" and "Investigating External Complaints of Discrimination." These courses were attended by FHWA regional and division employees as well as State DOT employees. Copies of the participant manuals for both courses have been provided to SWEC representatives.

- Completed a series of On-the-Job Training and OJT/Supportive Services Seminars, each module of which emphasized the recruitment and training of women. (Women now represent over 25 percent of OJT's and 18 percent of apprentices reported as employed on highway construction projects). These seminars were attended by FHWA regional and division employees, supportive services contractors, and State DOT employees.

- Developed a work statement for a course for State and local government compliance personnel in "Conducting Contract Compliance Reviews." Efforts are under way to award a contract through the small business or 8(a) set aside programs.

- Participated in National, Statewide, and local conferences and workshops to address the employment and training of women in nontraditional jobs.

Consistent with 28 CFR 42, the Department relies upon existing FHWA Contract Compliance efforts as well as on-the-job training and supportive services programs to address patterns of underrepresentation in the work forces of federally-assisted highway construction contractors. These efforts have caused some improvement in employment opportunities for women. The trend in the employment of women in the highway construction industry is reflected in Figure 3.

FHWA, in conjunction with the Department of Labor's Women's Bureau and the Employment Training Administration, has negotiated an agreement to assess the methods used to involve women in nontraditional highway construction employment. We expect that the contract will be awarded before March 1988. The objective of the effort is to identify the most effective methods of involving women in nontraditional highway construction and related jobs. A model program guide and model contract language that can be included in the supportive services program specifications are expected to be developed.

For many years, the Federal-aid highway program has included Equal Employment Opportunity provisions in project agreements and contracts. Our policy has been to require full use of available training and skill improvement opportunities to ensure the increased participation of minorities, disadvantaged persons, and women in all phases of the highway construction program. Moreover, it is our policy to encourage the provision of supportive services which will increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects.

State highway agencies (STAs) are responsible for planning, design, and construction of the projects. The SHA's, in their administration of the award and completion of construction contracts, inform bidders of equal employment opportunity (EEO) requirements and monitor compliance with the EEO provisions in contracts, including training.

In 1986, over 1,300 on-site contract compliance reviews were conducted by State highway agency staffs. Efforts are under way to provide training to State project and compliance personnel to increase the quantity and quality of such reviews.

We believe that the changes in rates of representation of women in DOT funded programs have been relatively dramatic. However, by no means do we consider our efforts to date to be enough. The challenge remains and we will continue to work closely with the States, contractors and their associations, unions, and minority and womens' organizations. Our efforts are aimed at ensuring that employers meet their EEO obligations.

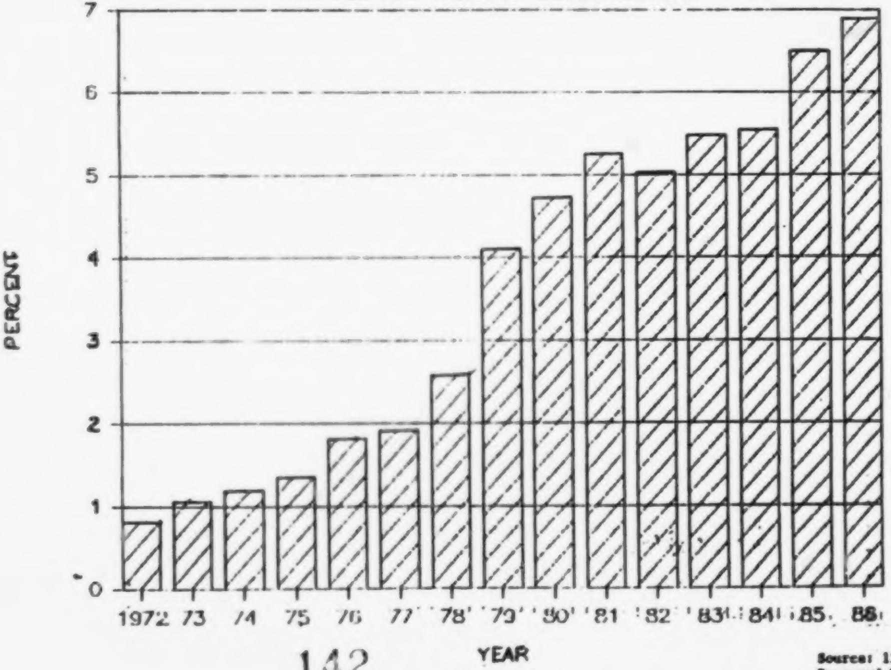
The Department will continue its monitoring and oversight efforts while testing and developing new initiatives to ensure that nontraditional job opportunities are expanded for women in union and open-shop areas. We welcome these hearings and assure you that the Department is committed to working positively with members of this Committee and representatives of other organizations who share your interests.

Mr. Chairman, that concludes my prepared remarks. I will be happy to respond to any questions that you or other members of the subcommittee may have about my testimony.

FIGURE 1

WOMEN EMPLOYED

IN FED-AID HIGHWAY CONSTRUCTION



Source: 1392 Data
Prepared by: HCR-10

FIGURE 2

WOMEN EMPLOYED

ON FED-AID HIGHWAY CONS. PROJECTS

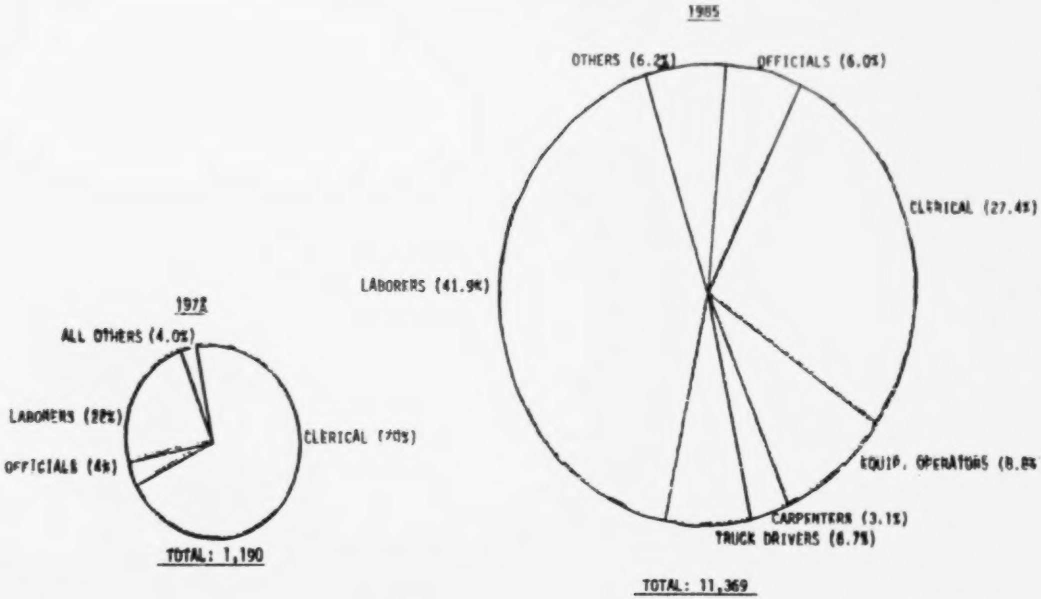
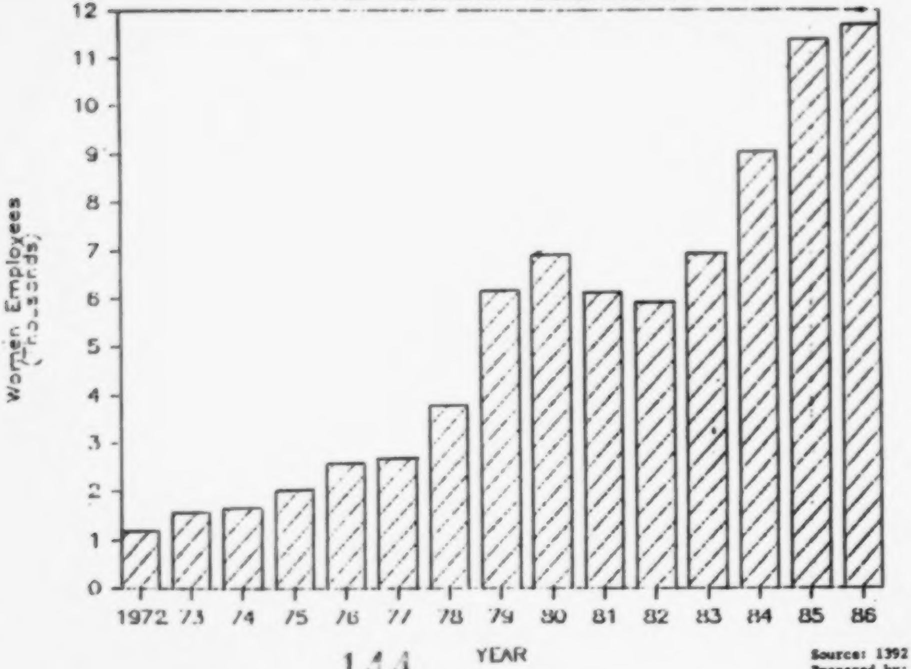


FIGURE 3

WOMEN EMPLOYED

IN FED-AID HIGHWAY CONSTRUCTION



Source: 1392 Data
Prepared by: HCR-10

Senator **Metzenbaum**. Ms. Dennis?

Ms. **Dennis**. Thank you, Mr. Chairman.

I want to thank you and the subcommittee for providing us this opportunity to discuss the employment of women in nontraditional work.

I am accompanied by Jerry D. Blakemore, Director of the Office of Contract Compliance Programs.

We commend the subcommittee for addressing this important issue.

In particular, I will discuss women seeking employment in the construction industry and in high-tech occupations. These jobs reflect the high-skill labor market that women will confront as they become an increasing proportion of the new entrants into a U.S. economy competing in a global marketplace.

The Department of Labor primarily addresses the problems found by women in the work force through the women's advocacy role of the Women's Bureau and the enforcement of equal employment opportunity and affirmative action programs by the Office of Federal Contract Compliance Programs.

Today in the United States, more than 54 million women are in the labor force. The majority of all women, 56 percent, now work, and they comprise 45 percent of the entire labor force.

By the year 2000, they are projected to comprise 47 percent of the labor force and will represent about three of every five new entrants into the labor force in the foreseeable future.

Over the last decade and a half, women, including minority women, have made great strides in obtaining employment in high-skilled occupations. The sharpest rates of increase for women have been in those jobs that require post-secondary education and/or skills training, such as managerial and professional specialties, engineers, lawyers and judges.

The steady and dramatic growth in women's labor force participation, their increased representation in professional and technical occupations, and improvements in women's earnings indicate that many women are in a favorable position to take advantage of the high-skilled opportunities projected for the year 2000.

Yet with all that we have achieved, the largest number of women still are employed in the traditional female occupations. Clearly, much remains to be done to facilitate women's movement into nontraditional, high-skill and high-tech jobs.

Of course, there is no single industry that has been classified as the high-technology industry. Many industries include high-tech jobs. Therefore, for illustrative purposes for this testimony, we examined only women's employment in manufacturing of high-technology equipment. Overall, we found that women had better opportunities for employment in manufacturing of high-technology equipment than they had generally in the manufacturing of durable goods.

There is indication also that their employment growth is keeping up with increases in total employment in most industries in high-technology, with some exceptions.

However, women may miss the opportunity that the job growth of the year 2000 promises if the barriers to women's employment are not removed or overcome. In this regard the Women's Bureau recently completed two projects dealing with this impact of technological change.

First, we issued two publications focusing on automation and office occupations, where women are so heavily represented. Secondly, the Women's Bureau provided major funding for the National Academy of Sciences' special study, "Computer Chips and Paper Clips."

I also am pleased to note that my Deputy Director is a member of the newly created Congressional Task Force on Women, Minorities and the Handicapped in Science and Technology.

At the outset, I must acknowledge that the Department is not satisfied with the progress of women into careers in the construction trades. According to limited data available to us, it appears that the proportion of women in the construction trades overall is advancing more slowly than the proportion of minorities, but it is nevertheless advancing.

Women seeking employment in the construction trades face many of the same barriers working women in general confront. In addition, women face barriers that tend to be specific to construction. These barriers include: inadequate information about where and how to apply for construction jobs; inadequate knowledge on the part of unions and contractors of productive recruitment sources for women; a work environment that can be unsupportive and sometimes hostile, and the lack of pre-apprenticeship training opportunities.

Women's Bureau and OFCCP programs have been designed to help overcome this. They include outreach efforts, pre-apprenticeship training, post-employment counseling and worksite monitoring; vigorous enforcement of EEO and affirmative action regulations and creation of an internal construction task force to review the current OFCCP construction compliance program. I am pleased to be a member of this group.

In addition, the Women's Bureau has a proud record in helping women overcome barriers in the areas of construction and other nontraditional employment. Our programs have included projects to increase apprenticeship opportunities, open up training and job opportunities for women offenders, and most recently, prepare women for careers in the highway construction industry.

Senator **Metzenbaum**. Can you wind up please, Ms. Dennis?

Ms. **Dennis**. Yes, thank you.

In addition to our efforts in the Women's Bureau, the Office of Contract Compliance Programs is responsible, of course, for enforcing regulations which prohibit employment discrimination and require affirmative action by Federal contractors.

Thank you very much, Mr. Chairman.

Senator **Metzenbaum**. Thank you very much.

[The prepared statement of Ms. Dennis follows:]

STATEMENT OF SHIRLEY M. DENNIS
DIRECTOR OF THE WOMEN'S BUREAU
U.S. DEPARTMENT OF LABOR
BEFORE THE
SUBCOMMITTEE ON LABOR
COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

November 17, 1987

Mr. Chairman and Members of the Subcommittee:

I want to thank you and the Members of the Subcommittee for providing us this opportunity to discuss the employment of women in nontraditional work. I am accompanied by Jerry D. Blakemore, Director, Office of Federal Contract Compliance Programs. We welcome the opportunity to represent the Department of Labor before this subcommittee, and commend you for addressing this important issue. Women's impact on the economy, which has already been substantial, will increase in significance in the workplace through the turn of the century.

In particular, I will discuss women seeking employment in the construction industry and in "high tech" occupations. The jobs associated with construction and high technology reflect the high skill labor market that women will face as they become an increasing proportion of the new entrants into a U.S. economy competing in a global marketplace.

The Department of Labor primarily addresses the problems of women in the workforce through the advocacy role of the Women's Bureau, employment and training programs to prepare women for employment, and the enforcement of equal employment opportunity and affirmative action programs by the Office of Federal Contract Compliance Programs.

Women in the Workforce

Today, in the United States, more than 54 million women are in the labor force. The majority of all women (56 percent) now work, and they comprise 45 percent of the entire labor force. They have entered the labor force at an average rate of more than one million a year for at least the last decade and a half, and have claimed more than one million new jobs in the past year alone. By the year 2000, they are projected to comprise as much as 47 percent of the labor force and will represent about three of every five new entrants into the labor force in the foreseeable future.

Over the last decade and a half, women have made great strides in obtaining employment in the higher skilled occupations. The sharpest rates of increase for women have been in those jobs that require post-secondary education and/or skills training. For example, in 1970, women were 34 percent of all managerial and professional specialty workers, but by 1986 they were more than 43 percent. Women were only 1.7 percent of engineers in 1970, but they are 6 percent today, increasing their numbers from 35,000 to 105,000. Through their academic achievement, women, who were only 11 percent of engineering and science technicians (fewer than 100,000 strong) in 1970, were nearly a quarter million of these skilled workers by 1986, representing 20 percent of this workforce. Women lawyers and judges were rare in 1970, at 14,000 nationwide or less than 5 percent of the total in these fields, but, by 1986, they were 118,000 or 18 percent of the total.

Minority women also have made strides in the labor force over time. They, too, have confronted and conquered barriers, including sexual and racial bias. While their numbers and proportions do not match the totals for all women job-for-job, progress is evident in the fact that fifty percent of all black women now work in the five fastest growing occupations: executive, administrative and managerial; professional specialties; service, technical and related support, and sales.

In the past five years or so, we have begun to see a trend toward reducing the earnings gap between women and men workers. Today, women employed full-time, year-round earn about 65 percent of what similarly employed men earn. This is up five percentage points since 1980. The median weekly earnings of women working full-time in 1986 averaged 69.2 percent of what men earned.

Women's Employment in "High Tech" Industries

The steady and dramatic growth in women's labor force participation, their increased representation in professional and technical occupations and improvements in women's earnings relative to men, indicate to me that many women are in a favorable position to take advantage of the high skilled opportunities projected for the year 2000.

Yet, with all we have achieved, the largest number of women still are employed in the traditional female occupations, including teachers in elementary and secondary schools, clerical workers, nurses, food, health, and service workers. Clearly much remains to be done to facilitate women's movement into nontraditional high skill and "high tech" jobs. Like this subcommittee, the Department of Labor has great interest in women's employment opportunities in high technology.

Of course there is no single industry that has been classified as "the high technology industry." Many industries include high tech jobs, therefore, for illustrative purposes for this testimony we examine only women's employment in manufacturing of high technology equipment.

Among durable goods manufacturing establishments, where the high tech industries are classified, overall women's employment shares increased nearly 7 percent between 1983 and 1986 to just under 3.0 million workers. Still, women's employment growth was greater than growth of employment in this sector at 4.8 percent.

The separate industries which were examined for this presentation and shown in the attached table include Office and Computing Machines (357), Electronic and Computing Equipment (3573), Electric Distributing Equipment (361), Electrical Industrial Apparatus (362), Communication Equipment (36), Electronic Components and Accessories (367), Electronic Tubes (3671-3), Semiconductors and Related Devices (3674), Electronic Components (3679); Guided Missiles, Space Vehicles, and Parts (376); Engineering and Scientific Instruments (381); and Measuring and Controlling Devices (382). It is our judgment that these groups of industries encompass the bulk of the high-technology goods manufacturing employment today.

Women's employment grew faster than total employment in Communication Equipment: Guided Missiles, Space Vehicles and Parts; Engineering and Scientific Instruments; Measuring and Controlling Devices; and Instruments and Related Products.

Overall, we conclude that women have had better opportunities for employment in manufacturing of high-technology equipment than women have had generally in the manufacturing of durable goods. There is indication, also, that their employment growth is keeping up with increases in total employment in most industries in high-technology with some exceptions.

Women's overall employment in these industries, however, cannot tell what types of employment opportunities women are finding in them, as there are no data showing in detail exactly in which occupations women are employed. In particular, women may miss the opportunity that the job growth of the year 2000 promises if the barriers to women's employment are not removed or overcome. Because of the particular importance that the Women's Bureau has placed on the impact of technological change on women's employment opportunities, the Women's Bureau recently completed two projects. First, we issued two publications focusing on automation and office occupations where women are so heavily represented. Secondly, the Women's Bureau provided major funding for the National Academy of Science Special Study: "Computer Chips and Paper Clips." You can be sure that this issue will continue to command our close attention. I am pleased to note that my Deputy Director is a member of the newly created Congressional Taskforce on Women, Minorities, and the Handicapped in Science and Technology.

We are optimistic, however, that changes in the composition of the workforce over the next decade will serve as a catalyst to removing barriers encountered by women seeking employment in the construction trades. We project creation of about 600,000 new skilled jobs in the construction trades by the year 2000. The new entrants into the labor force will overwhelmingly be women, blacks, and Hispanics. There will be a unique opportunity for government agencies with industry and community groups to integrate women and minorities fully into the workplace of today and tomorrow.

Women's Employment in the Construction Industry

At the outset, I must acknowledge that the Department is not satisfied with the progress of women into careers in the construction trades. According to limited data available to us, it appears that the proportion of women in the construction trades overall is advancing more slowly than the proportion of minorities, but it is nevertheless advancing.

We are concerned, however, that there is a sharp divergence in the pattern of minority and female participation rates in several construction trades, with women's participation remaining static or declining. The causes of this are not apparent, but appear to be related to an employment downturn from which minorities recovered, but women did not.

Women seeking employment in the construction trades face many of the same barriers working women in general confront, the need for adequate child care, transportation, and health care. Because of work scheduling and frequent change of worksite in many construction trades, however, securing these services presents special difficulties.

In addition, women face barriers that tend to be specific to construction. These barriers involve:

-- Inadequate information on the part of potential women applicants on where and how to apply for construction jobs,

- -- Inadequate knowledge on the part of unions and contractors of productive recruitment sources for women,
- -- A work environment that can be unsupportive, and sometimes hostile, even to the extent of sustained harassment of workers at the work site, and
- -- The lack of pre-apprenticeship training opportunities.

Despite these barriers women are interested in and continue to seek out opportunities in construction.

Women's Bureau and OFCCP programs have been designed to help overcome them. They include:

- -- Outreach efforts to both inform women of job and training opportunities and to assist employers in broadening the scope of recruitment efforts.
- -- Pre-apprenticeship training to assist women with tool identification, information on their job rights under anti-discrimination laws, counselling on work attitudes, and job "survival" techniques, and instruction to refresh women's mathematics and other basic skills to prepare them for testing and screening for employment in construction jobs.
- -- Post-employment counseling and work-site monitoring to assure that women's job rights are protected and the work environment is free of sex discrimination.
- -- Vigorous enforcement of Executive Order 11246, which prohibits employment discrimination by Federal contractors on the basis of race, color, religion, sex, or national origin.

-- Creation of an internal Contruction Task Force to review the current OFCCP Construction Compliance Program.

Women's Bureau Programs and Initiatives

A brief review of the Women's Bureau major demonstration programs in the area of construction and other nontraditional employment will further illustrate how these barriers may be addressed. These projects represent a mix of completed and continuing activities.

The Women in Apprenticeship Training Intiative (WIA): was a national project conceptualized and developed in 1980-81. Implementation of the WIA workshop began in 1982, in cooperation with the U.S. Department of Labor's Bureau of Apprenticeship and Training, to increase the awareness and efforts of employers and program sponsors in the recruitment, placement, and retention of women in apprenticeship and nontraditional occupations. Emphasis was placed on women's ability to perform such jobs and their interest in and need for jobs that pay good wages.

Women Offenders Apprenticeship Project: through coordination and cooperation with the Bureau of Apprenticeship and Training (BAT) and the Bureau of Prisons, the Women's Bureau became an advocate for women offenders and their need for job preparation training to facilitate their entry or re-entry to the paid labor force upon release from prison. The Women's Bureau hosted a National conference for State and Federal corrections officials which led to the establishment of the Network on Female Offenders to share information among advocacy groups for women offenders in Maryland, Virginia, and the District of Columbia.

This in turn led to an interagency linkage agreement that commits revelant agencies to support the apprenticeship program at Alderson prison, and to assist the apprentices returning home to continue their apprenticeships in union or employer programs, or to find jobs in their chosen trades.

In addition, the Bureau led a nationwide effort to establish apprenticeship training programs for women incarcerated in the Federal and State prisons for women. As a result of this effort, programs have been established in all five Federal prisons and in 18 of the State prisons.

Federal Highway Project

In 1984 the Women's Bureau entered into a joint project with the Federal Highway Administration (FHWA) to prepare women for careers in the highway construction industry. The project represents an interagency effort involving the Women's Bureau, the Employment and Training Administration (ETA), and FHWA to identify barriers to women's entry into highway construction, develop mechanisms for eliminating the barriers, and develop a demonstration program for State Highway Departments and highway contractors which will assist them in recruiting, training, and retaining women in highway construction jobs.

School-to-Work Transition; WINC (Women in Nontraditional Careers):

The WINC model incorporates classroom instruction, nontraditional job exploration in the community, and training of school staff to help them become aware of the need for nontraditional career planning for young women. The model enables young women to face the realities of the world of work and the higher pay, better fringe benefits, greater job security nontraditional employment offers. The model is based on an adaptable curriculum and demonstrates how schools, the community, and local government can assume the responsibility for implementing programs and services to enhance women's opportunities for nontraditional careers.

Project IDEA (Individual Development and Entrepreneurial Activities): to address the needs of impoverished rural women in the Mississippi Delta and to develop a training model for use in similar situations in other areas of the country, the Bureau in 1982 undertook a pilot effort with Coahoma Junior College in Clarksdale, Mississippi. The program provided vocational technical training in nontraditional skills and job placement assistance to minority women 35 years of age and older who were the sole supporters of their families.

Project IDEA is an example of a partnership effort between the Federal government and educational institutions to prepare economically disadvantaged persons to enter the job market. It was an effective program for serving the needs of rural low income women who lacked marketable skills and were often displaced farm workers.

High Technology Training for Single Heads-of-Households: in FY 1984, the Women's Bureau Seattle regional office embarked on what was to become a multi-site, multi-year project to train disadvantaged single heads-of-household for jobs in high technology occupations. The initial project was conducted by the State of Washington Community College District 17 for a two-year period. Subsequent replications of the model project have been carried out in Idaho and Oregon, and a third replication is planned for Alaska during this fiscal year.

Mr. Chairman, these are but a few of the model demonstration projects funded and carried out by the Women's Bureau. The projects continue to convince us that it is important to develop and share innovative ways to reach out, train, place, and retain women in occupations not formerly available to them. The programs we implement, however, are but one of the steps in the process of opening doors to women and providing full equality to them.

OFCCP Programs and Initiatives

As you know, Mr. Chairman, the Employment Standards Administration's Office of Federal Contract Compliance Programs (OFCCP) is responsible for enforcing Executive Order 11246, as amended, which prohibits employment discrimination by Federal contractors on the basis of race, color, religion, sex, or national origin. The Executive Order--along with the applicable sections of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended--also requires that companies doing business with the Federal Government take affirmative action in employment.

In 1978, the OFCCP set uniform goals for hours worked by women in all construction trades. Ending employment discrimination in construction, however, has proven to be very difficult because of certain complexities in regulating this industry, for example, those construction firms with Federal or Federally-assisted construction contracts in excess of $10,000 generally have small permanent workforces; a great majority of construction craft workers are hired for the duration of specific jobs, and a significant part of the employment process occurs via referrals through hiring halls over which OFCCP has no jurisdiction.

In an effort to strengthen the enforcement program of OFCCP, Assistant Secretary Alvarez and Director Jerry Blakemore have initiated a comprehensive OFCCP plan the purpose of which is to assure a more professional and vigorous enforcement effort. The plan includes significant training efforts, clarification and consolidation of policies and practices, and improved utilization of human and systems resources to assure most effective program impact.

In closing, let me emphasize that the Department understands the necessity to continue to improve our efforts to better integrate women into all sectors of the workplace. We will continue to improve our enforcements efforts and to increase our education and outreach efforts. We look forward to working with the members of the Subcommittee to explore innovative ways of accomplishing these objectives.

Employment of Women in Selected Industries 1983-1986 (Numbers in Thousands)

	SIC	1983	1984	1985	1986
Total Nonagricultural Establishments		39,852	42,068	43,919	45,380
Percent of Total		44.2	44.5	45.0	45.8
Durable Goods	24, 25 32-39	2,793	3,037	3,029	2,981
Percent of Total		26.0	26.4	26.4	26.5
Machinery Except Electrical	35	448.2	488.0	476.6	448.7
Percent of Total		22.0	22.2	21.9	21.8
Office and Computing Machines	357	182.3	198.1	185.8	166.1
Percent of Total		37.4	37.4	36.1	35.0
Electronic Computing Equipment	3573	157.3	172.6	163.7	147.0
Percent of Total		37.3	37.3	36.3	35.2
Electrical and Electronic Equipment	36	848.2	944.4	922.4	884.8
Percent of Total		42.1	42.8	42.0	41.7
Electric Distributing Equipment	361	42.2	47.1	44.5	42.2
Percent of Total		39.0	40.6	39.5	39.3
Electrical Industrial Apparatus	362	72.2	79.0	74.6	70.6
Percent of Total		37.0	38.3	38.0	37.7
Communication Equipment	366	212.5	230.6	245.7	236.4
Percent of Total		37.1	37.5	37.6	37.4
Electronic Components and Accessories	367	289.6	337.1	319.2	297.4
Percent of Total		50.0	49.9	48.1	47.2
Electronic Tubes	3671-3	14.7	15.3	15.9	15.0
Percent of Total		37.8	37.0	37.7	37.6

	SIC	1983	1984	1985	1986
Semiconductors and Related Devices	3674	109.0	125.7	120.0	110.7
Percent of Total		46.4	45.9	43.3	41.4
Electronic Components	3679	120.3	142.6	136.2	128.2
Percent of Total		51.5	51.6	51.0	50.8
Guided Missiles Space vehicles and parts	376	33.2	37.5	44.9	52.6
Percent of Total		23.6	24.3	25.3	26.1
Instruments and Related Products	38	294.3	306.2	308.1	304.0
Percent of Total		42.5	42.9	42.8	43.0
Engineering and Scientific Instruments	381	23.0	24.3	26.0	26.5
Percent of Total		30.3	30.4	31.1	31.7
Measuring and Controlling Devices	382	99.0	107.4	110.0	106.8
Percent of Total		42.4	43.3	43.3	43.5

Source: Prepared by the Women's Bureau from data published in Supplement to Employment and Earnings, U.S. Department of Labor, Bureau of Labor Statistics, July 1987.

Senator **Metzenbaum**. Ms. Bouchey, is prior EEO compliance a factor at all when you renew Federal contracts?

Ms. **Bouchey**. Yes. Do you want to address that, Mr. Morris?

Mr. **Morris**. Not at this juncture. We are prohibited by our enabling legislation from conducting preaward reviews of contractors.

Senator **Metzenbaum**. You are prohibited by what?

Mr. **Morris**. By 23 U.S.C., from conducting preaward reviews of contractors.

Senator **Metzenbaum**. Would you then support legislation to give you—are you saying that under the law you are not permitted to look at the question of EEOC compliance?

Mr. **Morris**. Prior to award of the contract; that is correct.

Senator **Metzenbaum**. Would your Department support an amendment, then, giving you that authority?

Mr. **Morris**. I cannot speak to that, but I can raise the issue and submit a response from the Department.

Senator **Metzenbaum**. Do you look at hiring practices regarding women and minorities?

Mr. **Morris**. Yes.

Senator **Metzenbaum**. You do? How do you do that?

Mr. **Morris**. We have contract compliance reviews conducted by State Department of Transportation employees, and we monitor the trends in minority and female employment on an annual basis.

Senator **Metzenbaum**. How long have you been with the Department?

Mr. **Morris**. Since 1969.

Senator **Metzenbaum**. Sixty-nine?

Mr. **Morris**. Yes, sir.

Senator **Metzenbaum**. In that period of time do you have any recollection of any single instance in which a contract was not renewed because of demonstrated noncompliance?

Mr. **Morris**. Again, I would have to rely on my answer to your first question, sir. We cannot conduct those pre-award reviews. But I am aware of instances where Federal participation has been withheld from the State for their not having taken adequate measures to obtain compliance by the contractors.

Senator **Metzenbaum**. Will you provide the committee with supporting documentation in writing of those instances, please?

Mr. **Morris**. Yes, sir.

[Information supplied for the record follows:]

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

OFFICE OF
THE ADMINISTRATOR

December 22, 1987
IN REPLY REFER TO

HCR-10

The Honorable Howard M. Metzenbaum
Chairman, Subcommittee on Labor
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed is the information you requested at the hearing on the employment of women in nontraditional jobs held November 17 before your Subcommittee.

Several witnesses voiced concerns regarding the lack of action by the Federal Highway Administration (FHWA) and State Departments of Transportation (DOT) to enforce the requirements of Executive Order 11246. That authority is vested in the Office of Federal Contract Compliance Programs of the U.S. Department of Labor. The FHWA and State DOTs retain the responsibility to monitor and enforce equal employment opportunity provisions of federally assisted contracts under 23 U.S.C. 140, 23 CFR 230, and the contracts to which the States are party.

With regard to your question about pre-award EEO reviews of contractors, we would like to clarify our response. The response to the first issue in the enclosure more accurately reflects our position.

Again, we thank you for the opportunity to comment on these important issues. Should you have any questions, please contact Mr. H. Joseph Rhodes at 366-0587.

Sincerely yours,

Ray Barnhart

R. A. Barnhart
Federal Highway Administrator

Enclosure

Enclosure

Responses to Issues Raised at the November 17 Hearings on the Employment of Women in Nontraditional Jobs

Issue 1. Would the Department of Transportation (DOT) support a legislative change to allow pre-award EEO reviews of contractors?

Because FHWA does not deal directly with federally assisted contractors, FHWA staff does not conduct pre-award EEO reviews. The authority and obligation to determine bidder responsibility prior to award rests with the States. EEO requirements are contract obligations and outright violations or chronic noncompliance are grounds for determinations of nonresponsibility consistent with 23 U.S.C. 112(b). Some States currently administer a "post qualification" process, requiring the contractor to satisfy certain requirements after bids are opened, but prior to award. Other States have a prequalification process to determine capability, capacity, and responsibility.

Moreover, from a practical standpoint, the use of pre-award EEO reviews in the context of highway construction is not particularly useful because, other than a small core-crew, highway contractors (especially in union areas) do not maintain a large, stable workforce susceptible to influence by pre-award reviews. Where a low, responsible, bidder has no significant core-crew as in highway construction, we believe a pre-award review would be meaningless.

For these reasons, the Department would oppose legislation amending 23 U.S.C. to require pre-award EEO reviews.

Issue 2. Report instances of withholding Federal participation from contractors/States for noncompliance with EEO provisions.

A recent example of an FHWA regional office directing that Federal participation be withheld to obtain compliance with EEO provisions is outlined in Exhibit 1.

It is important to note FHWA field offices are not required to report to Headquarters every action taken to obtain EEO compliance. Also, the FHWA does not have a system in place to collect information on each instance of States' withholding progress payments to obtain compliance with EEO provisions. However, withholding payment is a generally accepted practice and many States apply the measure, as needed, to immediately correct deficiencies, including those related to EEO. In addition to withholding progress payments to obtain compliance with EEO provisions, States may impose bid ceilings on non-compliant contractors, determine contractors non-responsible, or assess liquidated damages.

Issue 3. Court references of Department of Justice (DOJ) actions against transportation agencies in Alabama, Louisiana, Georgia, Virginia, and Texas.

The cases in which the DOJ has been involved with State DOTs as defendants were based on Title VII violations. An outline of the cases and their disposition are in Exhibit 2. Copies of pertinent DOJ correspondence and court documents are appended to Exhibit 2. We routinely coordinate our reviews of State EEO plans with the DOJ staff and withhold plan approval where DOJ is actively involved in an investigation or suit (See Exhibit 3.)

Issue 4. FHWA/DOT and State action regarding non-compliant contractors.

Regulations governing the conduct of contract compliance reviews are at 23 CFR 230D. Every State has adopted the 230D process, some with modifications in order to meet EEO planning requirements of 23 CFR 230C.

Under the compliance process, a State makes determinations of compliance with EEO, On-the-Job Training (OJT), non-discrimination, and Disadvantage Business Enterprise (DBE) provisions in contracts based on reviews of records, interviews, and on-site verifications. Minor deficiencies and technical discrepancies which can be corrected immediately are addressed at the time of review. Where contract goals are not met or underrepresentation is determined, the actions taken by the contractor are assessed to determine compliance with affirmative action provisions in the contract and whether they were initiated and maintained in good faith.

If deficiencies can be immediately corrected or an acceptable, voluntary corrective action plan developed, the contractor may be found "in compliance." Follow-up reviews or inspections are conducted to verify compliance.

Where the patterns of employment or a contractor's actions are sufficient to support a finding of noncompliance, a show cause notice is issued. The notice provides the contractor 30 days in which to correct deficiencies or develop an acceptable corrective action plan. If the plan is deficient, the reviewing agency is obligated to negotiate and conciliate to obtain an agreement. If agreement cannot be reached, the contractor may be found to be in noncompliance. After completion of State hearing processes (when required), sanctions for breach of contract may be applied.

On December 7, 1979, the FHWA and the Office of Federal Contract Compliance Programs (OFCCP), in an effort to increase effectiveness and prevent duplication of review efforts, entered into a Memorandum of Understanding (Exhibit 4). In instances of a contractor's noncompliance, the case may be coordinated with the Department of Labor/OFCCP to determine compliance with Executive Order 11246.

As background, the FHWA Contract Compliance Program is different in scope from the OFCCP program. Section 140 of Title 23, U.S.C. requires that the Secretary of Transportation, prior to approving programs for projects, shall obtain assurances from States desiring to avail themselves of Federal highway funds that employment connected with federally assisted projects will be free from discrimination. In this regard, States are required to include equal employment opportunity requirements in the bid and contract specifications. The Department of Transportation (FHWA) monitors State highway agency compliance operations to determine conformance with Section 140. Noncompliance can result in withholding Federal participation on specific noncomplying projects where a State cannot, or will not, take the action necessary to obtain compliance; or, in instances where a State is not complying, FHWA may direct that approval of Federal participation in new projects be withheld until the situation is adequately addressed.

The Executive Order 11246 (OFCCP) program requires that Federal and federally assisted contractors ensure EEO through affirmative action. The effort to enforce the program is primarily aimed at contractors rather than State agencies and uses Federal personnel rather than State personnel to determine compliance. Findings of noncompliance under the Executive Order program can result in termination of contracts or debarment of contractors.

In 1985, the FHWA refined the reporting of contract compliance review summary data to allow closer monitoring of program impacts. The information in Exhibit 5 indicates the initial results of that effort.

EXHIBITS

1. Memorandum from M. Eldon Green, FHWA Regional Federal Highway Administrator, Region 10, to Division Administrator Dale E. Wilken.

2. Summary of Department of Justice actions against State DOTs for equal employment opportunity violations.

   Appendices

   A. Letter from D. Rose to R. E. Quick

   B. Complaint U.S. v. Georgia

   C. Consent Decree U.S. v. Louisiana Department of Transportation and Development

   D. Judgment, opinion, and findings of fact in U.S. v. Texas State Department of Highways and Public Transportation

   E. Consent Decree U.S. v. the Commonwealth of Virginia, Department of Highways and Transportation

3. Memorandum regarding FHWA/DOJ agreements on processing State Transportation Agency Affirmative Action Plans.

4. FHWA/OFCCP Memorandum of Understanding

5. Summary Data - FHWA and State conducted contract compliance reviews.

EXHIBIT 1

Room 312 Mohawk Building
708 S. W. Third Avenue
Portland, Oregon 97204

Use of VCAP and Show Cause Notices - Oregon

October 23, 1986

HCR-010

M. Eldon Green
Regional Administrator

Mr. Dale E. Wilken
Division Administrator (HDA-OR)
Salem, Oregon

This is in reference to the State's resubmission of its EEO Assurances Update, Part I, Contract Compliance Programs, dated October 13, 1986, in response to the FHWA letter of September 29, 1986, on the same subject matter.

The Region has taken the position that ODOT's response, as stated on page 2 of the above noted letter, is unacceptable as it relates to Oregon's use of the Voluntary Corrective Action Plan (VCAP).

VCAPs shall apply not only to the geographic areas which gave rise to its submission, but to all other present or future Federal-aid work held by the deficient contractor within the State. The VCAP will be effective for a period of 90 days or the next opportunity available for the State to review the contractor's implementation of the VCAP.

The State must schedule its reviews in a manner that provides a contractor the opportunity to show whether or not it demonstrated equal employment opportunity in its employment when vacancies were available or real. This basically means that reviews should be scheduled during the months of June-August of the year to accommodate for the objective mentioned above.

If a contractor is reviewed by the State in August and the contractor has had an opportunity to hire during the preceding months, but is found deficient in its crafts, regarding minorities and females, that contractor is not to be given an opportunity to submit a VCAP, but rather, issued a 30-day show cause notice by the State.

We have observed the State's process in allowing contractors to submit VCAPs in August and succeeding months and have concluded that it is not effective in bringing about compliance on the part of ODOT's contractors. This is primarily due to the fact the most of the contractors are usually in a declining work force situation in these latter months.

ODOT is not using the VCAP procedures in the manner it was originally approved by the Region. Due to the misinterpretation of intent of use of the VCAP, we have provided the above conditions if ODOT wishes to continue using the VCAP as a means to achieve compliance by its contractors.

Those contractors (except Kuney) who were part of the Portland Consolidated Compliance Review cited as having deficiencies and violations should have had action taken against them by the State. The State sent letters to those contractors but it is our opinion that the letters are not sufficient enough to bring about compliance.

Accordingly, we are requesting the Division to advise the State that the letters sent to the above noted covered contractors who had deficiencies/violations must be dealt with more firmly.

The State must issue another letter to each affected contractor specifically stating what action it will take if the contractors are found deficient in subsequent reviews.

ODOT claims for the federal share of payments to Ross Contractors are suspended from participation until we have determined that compliance is achieved.

Willie Harris, Regional Director
Office of Civil Rights

Exhibit 2

Recent Department of Justice Actions Involving State Transportation Agencies

State	Case	Disposition
Alabama	United States v. Ballard et al., (formally Unites States v. Frazer et al.)	Court Order entered, FHWA monitoring of the Alabama State Highway Department resumed June 29, 1982.
Georgia	United States v. the State of Georgia; Georgia Department of Transportation; Georgia State Merit System	Consent Decree entered April 1, 1985.
Louisiana	United States v. the Louisiana Department of Transportation and Development; the Louisiana Department of Civil Service; and the Louisiana Civil Service Commission	Consent Decree entered August 17, 1987
Texas	United States v. Texas State Department of Highways and Public Transportation	Case dismissed August 17, 1982
Virginia	United States v. Commonwealth of Virginia Department of Highways and Transportation	Consent Decree

(Note: In the interest of economy, the appendices accompanying this exhibit were retained in the files of the committee.)

DRAFT

EXHIBIT 3

Attachment

AGREEMENTS

- The Department of Justice (DOJ) will provide a letter regarding its position on the Alabama Equal Employment Opportunity (EEO) Plan.

- On a case-by-case basis and upon notice/request by DOJ, approvals of plans in certain States will be suspended or approval decisions withheld until issues raised by DOJ are resolved (per current policy).

- Once a consent decree is accepted, or a court order is issued, DOJ will notify the Federal Highway Administration (FHWA) regarding satisfaction of issues and advise FHWA regarding the DOJ position on particular plans.

- Where a State is under the terms of a consent decree or a court order, the FHWA reviews and technical assistance will address the total program (steering clear of test validation), coordinating findings with DOJ.

- The FHWA will consult with DOJ where problems are found to exist in areas of mutual concern/interest.

- In Alabama and other States in which DOJ is involved or interested, FHWA will inform DOJ of any proposed actions and provide any other relevant information (i.e., review reports and significant correspondence).

- Where it is appropriate to approve State highway agency EEO plans in which DOJ is involved/interested, the FHWA will coordinate approval memoranda with DOJ. These memoranda shall contain an admonition advising States that the approval is without derogation of comments or obligations pursuant to the decree/order (as appropriate).

EXHIBIT 4

INTERIM MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF LABOR
AND
THE DEPARTMENT OF TRANSPORTATION

The purpose of this interim memorandum of understanding is to further the objectives of Section 140 of Title 23 of the United States Code and of Section 205 of Executive Order 11246.

Executive Order 11246 prohibits employment discrimination by federal contractors and subcontractors, and federally-assisted construction contractors and subcontractors, and authorizes the Secretary of Labor to administer and enforce the Order. Except for general rulemaking, the Secretary's responsibilities under the Order have been delegated to the Director of the Office of Federal Contract Compliance Programs (OFCCP).

Section 140 of Title 23 of the United States Code requires the Secretary of Transportation, prior to approving federal-aid highway projects, to receive assurances from each State that employment on such projects will be provided in a non-discriminatory manner. The Federal Highway Administration (FHWA) has been authorized to administer the statute, to oversee the States' actions in fulfilling their assurances, to establish procedures to effectuate the statute, and to maintain a vigorous monitoring and review process to ensure nondiscrimination and affirmative action in federal and federally-assisted highway construction projects.

This interim memorandum of understanding provides that the OFCCP and the FHWA will exchange information, so that the agencies can carry out their responsibilities efficiently and effectively, with as little duplication of effort as possible.

The parties to this memorandum agree as follows:

(1) The "agencies" referred to in this memorandum are the Office of Federal Contract Compliance Programs (OFCCP) within the Department of Labor, and the Federal Highway Administration (FHWA) within the Department of Transportation.

(2) The "appropriate officials" for the DOL/OFCCP are--

(a) the Secretary and Under Secretary of Labor;

(b) the Solicitor of Labor;

- (c) the Assistant Secretary for Employment Standards;
- (d) the Director or Deputy Director of the OFCCP;
- (e) the Associate Solicitor of Labor for Labor Relations and Civil Rights;
- (f) any ESA Assistant Regional Administrator for OFCCP;
- (g) any Regional Solicitor, Associate Regional Solicitor or Regional Attorney; and
- (h) any ESA Area Office Director for OFCCP.

(3) The "appropriate officials" for the DOT/FHWA are--

- (a) the Secretary and Deputy Secretary of Transportation;
- (b) the Administrator and Deputy Administrator of the FHWA;
- (c) the Directors of Civil Rights for the Department of Transportation and the FHWA; and
- (d) any FHWA Regional Administrator, Division Administrator, or Regional Director of Civil Rights.

(4) On a quarterly basis, the agencies shall exchange information regarding schedules of review and investigation.

(5) An appropriate official for one agency may request permission to inspect and copy any documents pertaining to any contractor or complaint within the jurisdiction of the other agency. The documents referred to in this paragraph include, but are not limited to, the following:

- (a) affirmative action programs or contract specifications;
- (b) investigative files;
- (c) conciliation agreements;
- (d) compliance review reports;
- (e) listings of enforcement actions (debarments, suspensions, terminations, etc.);
- (f) community data;
- (g) lists of complainants' charges or allegations; and
- (h) copies of judicial or administrative decisions.

(6) Whenever an agency receives a request under paragraph (5), and the agency possesses the documents that are the subject of the request, the agency shall make the documents available to be inspected and copied by the requesting officials, or by another person whom the requesting official may designate.

(7) An agency receiving a request under paragraph (5) shall respond to the official who made the request, or to another person whom the requesting official may designate, within fourteen days after the request is received; except that documents not immediately available may be provided within forty-five days after the request is received.

(8) Within thirty days after this memorandum is ratified, the FHWA shall provide the OFCCP with a detailed inventory of the contract compliance records in its possession.

(9) The OFCCP shall rely on the Headquarters or a field office of the FHWA for access to records, reports, or other documents or information in the possession of State highway agencies. The Director or Assistant Regional Administrator for the OFCCP may waive this requirement, but only in cases where the materials are needed immediately and it would cause an unacceptable delay to request them through the FHWA. The official who makes such a waiver shall notify the corresponding official of the FHWA at once. When time permits, the OFCCP shall request such materials through FHWA in writing.

(10) Each agency shall notify its field office and other appropriate parties of the content of this memorandum promptly upon its ratification.

(11) Each agency shall forward to the other agency, for review, all regulations and other instructions that may be developed to implement this memorandum.

(12) Each agency shall periodically review its own implementation of this memorandum.

(13) Each agency shall use information obtained under this memorandum only in the performance of its own statutory or administrative functions, and shall not act as the agent of, or on behalf of, the other agency.

(14) Within 120 days after this memorandum is ratified, the Department of Transportation and the Department of Labor will develop a similar agreement applicable to all components of the Department of Transportation.

Ray Marshall
Ray Marshall
Secretary of Labor

DEC 7 1979
(Date)

Neil Goldschmidt
Neil Goldschmidt
Secretary of Transportation

OCT 26 1979
(Date)

EXHIBIT 5

CONTRACT COMPLIANCE REVIEWS
FHWA AND STATE CONDUCTED

		PERSONNEL IMPACTED															ACTION			
YEAR	CC REVIEW	TOTAL	MIN	FEM	BM	BF	HM	HF	AI/M	AI/F	PI/M	PI/F	TOT % MIN	TOT % FEM	PRIOR TO PEAK YES	PRIOR TO PEAK NO	COMPLIANCE STATUS IC	COMPLIANCE STATUS VC	COMPLIANCE STATUS NC	COMPLIANCE STATUS SC
1985	1168	43889	11021	3063	6097	416	2956	96	913	114	413	16	25.1	7	138	111	1005	140	23	13
1986	1311	46314	11238	3198	6413	407	2629	103	932	69	662	23	24.3	6.9	755	508	990	264	41	22
1987	1118	39325	10474	2920	5383	281	2961	125	978	91	625	30	26.6	7.4	632	455	858	238	57	29

LEGEND: Prior to Peak: Y-Yes N-No

Compliance Status: IC-Incompliance VC-Voluntary Corrective Action Plan
NC-Noncompliance SC-Show Cause Notice Issued

Senator **Metzenbaum**. The SWEC complaint against the Department of Transportation, Ms. Bouchey, is now six years old. You state in your testimony that data obtained in response to the complaint "generally supports SWEC's assertion that nationwide under-representation of women exists in nontraditional jobs in highway departments and in the highway construction industry."

Are you prepared to make a specific commitment as to what action will be taken to ensure concrete improvements during this administration?

Ms. **Bouchey**. Well, as a result of that study we found not just the data indicating that women are indeed under-represented, but it also showed that our data accumulation was not correct. We have since then, as a result of this study, come up with a uniform reporting process. We are now gathering better data and are following up with the States to ensure that they do know specifically how to complete these forms and how to do the specific reviews that they are required to do with the contractors.

Senator **Metzenbaum**. You heard the witnesses this morning indicating that not one concrete enforcement plan has been discussed in your testimony. Do you have any track record at all regarding efforts to make contractors or State departments of transportation hire more women?

Ms. **Bouchey**. Well, we have plans for them every year—Mr. Morris, do you want to answer——

Senator **Metzenbaum**. I am not asking about plans. Plans are future. This administration has been in now for almost seven years. And the complaint is that not one single action, effort has been made to enforce compliance with the law.

Ms. **Bouchey**. Well, we are negotiating—the law requires that we negotiate with the States and go through a process, and we have found some States that have not complied.

Mr. Morris may wish to add further——

Mr. **Morris**. If I could speak to that, Senator, we have had several instances where the Department of Justice has taken action against State Departments of Transportation and we have been obligated to cooperate in those actions.

Senator **Metzenbaum**. Tell me which ones.

Mr. **Morris**. Louisiana, Virginia, Georgia.

Senator **Metzenbaum**. What kind of actions have been taken?

Mr. **Morris**. Consent decrees have been entered for patterns and practices of discrimination against minorities and women.

Senator **Metzenbaum**. Against women?

Mr. **Morris**. Minorities and women—minorities specifically in Louisiana; minorities and women in the other States.

Senator **Metzenbaum**. Minorities in Louisiana, and minorities and women where?

Mr. **Morris**. In Virginia, Georgia, and Alabama.

Senator **Metzenbaum**. You are saying that there is a consent decree in those latter three States——

Mr. **Morris**. Excuse me. There was a court order in Alabama. It may have predated this administration. But in the other two, there were consent decrees.

Senator **Metzenbaum**. But they were either court orders or consent decrees, having the same effectiveness, requiring the States to bring more women into the work force than previous.

Mr. **Morris**. Correct.

Senator **Metzenbaum**. And will you supply the Committee promptly with the court references so that we may know what has been done?

Mr. **Morris**. Yes.

Senator **Metzenbaum**. Has there been any action taken with respect to private contractors?

Mr. **Morris**. With respect to private contractors, we are required by Congress to rely on the States because of their privity of contract with contractors. We are required to rely on the States to obtain compliance by conducting contract compliance reviews. We monitor the States' activities in those areas in terms of conducting contract compliance reviews.

Senator **Metzenbaum**. And has there been any actual effective action with reference to your monitoring the States and causing the States to do something positive about bringing more women into the work force?

Mr. **Morris**. I think so, Senator. We have had an increase in the number of compliance reviews since 1983 and a concomitant increase in the number of women and the percentage of women employed by highway contractors. This was included more specifically in our testimony.

Senator **Metzenbaum**. Would you provide the Committee promptly with specific examples of contractors who have improved their work practices vis-a-vis hiring more women?

Mr. **Morris**. We would not have that specific information at this level, but we can demonstrate—I have got statistical evidence which outlines the trends in the employment of minorities and women.

Senator **Metzenbaum**. You have statistical evidence indicating that there has been some upward trend with respect to women.

Mr. **Morris**. Correct.

Senator **Metzenbaum**. But that would not necessarily be cause and effect; it would not necessarily be by reason of the Department of Transportation having acted. It very well may have occurred just by reason of natural causes. Since the Department has a legal responsibility, my question is what confirmation can the Committee have from the Department that they have been doing their job with respect to contractors?

Mr. **Morris**. I would have to get specific information on specific contractors from the States.

Senator **Metzenbaum**. There is a general perception, whether right or wrong, that the Department of Transportation has been lax in enforcing these regulations and laws. And I think it is important that before this Committee comes forth with a report that you provide us with such information as is available in order to rebut that general impression and the testimony of the witnesses today, because if it is not the case, we want some documentary evidence in order to support your position.

Mr. **Morris**. Yes, sir.

Senator **Metzenbaum**. In your testimony, you discuss the importance of on-the-job training programs. I have received reports that training slots are being established where there are in fact no training opportunities in the work to be performed. It has even been reported that women who filled out a job application form for a particular contractor are listed as filling a training slot, although they did not get hired. Are you aware of such irregularities?

Mr. **Morris**. No, we are not. I would like to get some specific information on which we could act in that regard, but I am not aware of that.

There is another consideration also, Senator. The character of the highway construction industry has changed dramatically over the last couple of years, with the interstate being almost complete. We have gone from the large jobs on which a person could start training and actually complete training to the journeyman level on one job, to jobs which are short-duration and of limited training value. So the numbers of slots available in which training can be provided in one location has declined. Increasingly, people will have to move from job to job to complete a whole training cycle.

Senator **Metzenbaum**. Do you have any current DOT monitoring practices that would unearth such improprieties if they occur?

Mr. **Morris**. Other than the contract compliance review process, no, sir.

Senator **Metzenbaum**. Ms. Dennis, in my opening statement I discussed the increase in the number of female coal miners that resulted from affirmative action enforcement efforts in the 1970's. The evidence suggests that women will enter nontraditional fields that they believe are open to them.

Now that the Supreme Court has expressly validated affirmative action on the basis of sex and in the context of construction employment, will OFCCP target the construction industry, and do you have the personnel to begin efforts immediately?

Ms. **Dennis**. Well, Mr. Chairman, clearly, that is a question that Jerry Blakemore can give you a specific answer to. I would simply say to you that we in the Women's Bureau are pledged to cooperate with OFCCP and all other entities that will increase the opportunities for women in the construction trades because we believe that that is something that must be done.

Jerry?

Mr. **Blakemore**. Mr. Chairman, regarding the construction industry and the compliance reviews that the Office of Federal Contract Compliance presently does, the construction industry is already an integral part of that program. Let me share with you some facts regarding our reviews of the construction industry.

First of all, approximately 100,000 construction contractors fall under the jurisdiction of OFCCP. For example, in terms of the statistics, in fiscal year 1981 we did 814 compliance reviews of construction industries. In fiscal year 1987, we did a total of 1,608. We found a 68 percent violation rate in the compliance reviews that we did of the construction industry.

There were 492 letters of commitment made and 601 conciliation agreements reached based on the compliance reviews that we do. To imply that the construction industry is not an integral part of the program is not an accurate statement of the facts.

There are things, in particular with regard to enforcement that we do have plans for. As you know, Assistant Secretary Alvarez and I have only been on board for the past 4 months in my case and 5 months in Mr. Alvarez' case. However, in that time, we have identified major areas of concern that we have established a plan to resolve, and let me share now, if you wish, what our plans are.

First and foremost, what we plan to do is enhance the enforcement posture of OFCCP. We do not plan to do that by targeting particular industries, but by making sure that the staff, particularly the field staff, of OFCCP is not only ready and willing, but able to carry out the function of the agency.

In order to do that, we have established a major training effort, a staff development effort, that will for the first time bring together the field staff at one point in time to do national office-directed training, something that has never occurred in the history of this program.

A second area of staff development that we will implement is what we call ongoing or academy training, which will for the first time provide a curriculum for training to the field staff that includes introductory, basic, and advanced skill training and investigation, negotiation, and other basic skill levels.

The other part of our agenda for enforcement purposes involves the establishment of clear program and policy guidance to the field. Yesterday, a director's task force was brought into Washington, DC, for the sole purpose of reviewing our directives system and combining the directives system with the compliance manual so there will be one source, a sole source of authority for OFCCP programs. That effort is a massive effort and one that we hope to complete by the spring or summer of next year, but is one that will really provide direction to the compliance review system.

We feel—a stronger, more vigorous and enhanced enforcement posture—will have the most significant positive effect on making sure, first, that discrimination occurring in the market is something that we look at seriously and resolve but, just as importantly, that the affirmative action requirements under the Executive Order are carried out.

Senator **Metzenbaum**. Training the staff is great, but what about prosecuting companies and making them comply? Has any enforcement action been taken before you came into the Department or after?

Mr. **Blakemore**. During the past six months, there have been two cases of debarments, and I can share those cases with you. One is the Bruce Church debarment, and the Chicago Messenger. However, there are significant instances where enforcement has taken place over the past eight years.

For example, we have increased from 3,135 compliance reviews—both supply and service and construction in fiscal year 1981 to 5,169 reviews in fiscal year 1987. So there has been a significant increase in the numbers of compliance reviews of companies that the OFCCP has done.

More importantly, however, the violation rates that have been found have been relatively consistent. Sixty-four percent of the total number of compliance reviews have resulted in a finding of a deficiency and a letter of commitment or conciliation agreement pursuant to that finding has been established.

Senator **Metzenbaum**. Well, the compliance review is fine, but what followup is there to see that there is enforcement of the understanding reached in the compliance review?

The general perception is that the Department of Labor—at least the women of this country have the perception—that the Department of Labor has been lax as far as its enforcement in this area. And I do not know why that should be if the Department was doing what needs to be done. And I am frank to say, and I have said it previously, that when I meet with Ms. McLaughlin to discuss her confirmation, I am very much concerned about further implementation, further activity, rather than "talk-talk" on this whole area of enforcement with respect to bringing women on an equal basis into the work place. And I am concerned that very few companies actually feel any heat from the Department of Labor, but that it is rather sort of an ongoing nice, cozy little relationship.

Am I wrong—and if I am wrong, explain to me how I am wrong.

Mr. **Blakemore**. Mr. Chairman, I would want nothing more than the facts to be on the table and for people, rather than on the basis of perceptions or rumor, to understand those facts.

Let me state this. Assistant Secretary Alvarez and I have established an agenda that basically includes one item, and that is a strong and vigorous enforcement program both on the side of discrimination provisions of the Executive Order and on the affirmative action side.

When I discuss the plans that we have in place, it is an honest attempt on our part to put into practice and to establish what it is going to take to have credible, impartial, strict enforcement, and it is going to take us some time. It will take time to pull together the training, and it will take time to go through the procedural and policy guidance.

Senator **Metzenbaum**. How much time does it take? The Administration has been in office for 7 years. How much time does it take? The administration is going out of office in a year, and there has not been any effective enforcement in this area. We have these women coming before us, saying that they have not been able to get any support, and nothing happens.

What concerns me is you represent a Government bureau we have given the law in order to act, and the Government bureau drags its feet and issues compliance orders, and has sort of this continuum, but meanwhile the effective pressure to bring upon the employer or the union, as the case may be, to get more women into this field is not there, and that concerns many of us on this Committee.

Mr. **Blakemore**. Mr. Chairman, I pointed out to you that there has been enforcement, and the statistics and the facts really bear that out. Sixty-four percent findings of deficiencies found in reviews of more than 5,000 establishments, and when the increase in the number of reviews over the past 6 years has increased by more than 2,000. This indicates to me that there has been enforcement.

There will continue to be a stronger enforcement effort made by the Department.

Senator **Metzenbaum**. Can we get data from you on the followups to those 64 percent as to what has actually occurred?

Mr. **Blakemore**. Yes. That would be our continuing monitoring of programs by which where whatever conciliation agreement or letters of commitment we have in place are continually monitored, and we maintain jurisdiction over those establishments. We would be more than happy to provide you with that.

Senator **Metzenbaum**. How long would it take you to get that to the Committee?

Mr. **Blakemore**. Mr. Chairman, I would like not to make a promise I cannot keep. Let me discuss this with my deputy, because I want to know how much paper this is going to be, and we have got to get it from each of the ten regions. We will provide you this as quickly as we physically can.

Senator **Metzenbaum**. We will work with you on it, but we feel it is very, very relevant to a number of issues that are pending, including the confirmation process.

Mr. **Blakemore**. We understand and agree.

[Information supplied by Mr. Blakemore and additional material submitted for the record follow:]

U.S. Department of Labor

Employment Standards Administration
Office of Federal Contract
Compliance Programs
Washington, D.C. 20210

DEC 7 1987

MEMORANDUM FOR: JAMES J. BRUDNEY
Counsel
Labor Subcommittee, Senate Labor and
Human Resources Committee

FROM: JERRY D. BLAKEMORE
Director
Jerry

SUBJECT: Office of Federal Contract Compliance
Programs Monitoring of Conciliation
Agreements and Letters of Commitment

Introduction

This is in response to your request for information on OFCCP's monitoring efforts, how we follow-up. I have provided background information on our monitoring requirements and procedures as well as data on our actual efforts.

As I indicated to you at the hearings, I would like to discuss with you in detail the program agenda developed by Assistant Secretary Alvarez and myself. The agenda represents a comprehensive effort on our part to strengthen the enforcement effort of OFCCP. The agenda calls for the following: staff development, policy and procedural development and clarification, strengthening, streamlining, and decentralizing the OFCCP's enforcement effort, and enhancing OFCCP's role in preparing for the challenges of the current and future workforce.

As you will find, I am providing you a great deal of paper. I have attached excerpts from the Federal Contract Compliance Manual (FCCM) setting out OFCCP monitoring requirements, a copy of recent direction to the field to maintain monitoring logs, copies of the monitoring logs from our area offices, and various letters from our field to contractors informing them of the results of our monitoring.

Rather than sending more paper, I would like to meet with you and discuss our monitoring system, the information and data that we currently have, and where we go from here. Please let me know of a time and place that is convenient for you.

Background

Whenever the Office of Federal Contract Compliance Programs (OFCCP) conducts compliance reviews and finds instances of noncompliance, it attempts to correct the violations through conciliation. Where these attempts are successful, the results may be incorporated into a Letter of Commitment (LOC) or a Conciliation Agreement (CA).

An LOC is used to correct minor violations such as minor changes in goals in certain job groups, revisions to job groups, limited changes in availability estimates, and any other minor deficiency that is readily correctable. An LOC is used only where the contractor had made a good faith effort to comply.

A CA is used to remedy material or serious violations. For example, a CA is required in all discrimination cases, when an AAP has major deficiencies, when a contractor has substantially deviated from a previous AAP, failure to comply with a LOC, and generally anytime that a show cause notice has been issued.

Termination Dates

CAs must have termination dates based upon the minimum time necessary for the contractor to correct the deficiencies, normally one year. CAs may be extended to two years when necessary. Termination dates may extend beyond two years only when it can be demonstrated that it would be impossible for the contractor to correct all deficiencies within the two-year period.

LOCs normally will not exceed six months and rarely exceed one year. Termination dates beyond one year may only be negotiated where it can be demonstrated that it would be impossible to correct all deficiencies within the one-year period.

Reporting Requirements

Reporting requirements may be incorporated into both CAs and LOCs. The purpose of such "progress reports" is to ensure compliance with the underlying agreement. They should contain sufficient information and be submitted frequently enough to enable thorough review of compliance with the agreement. Reporting may not be required in either a CA or LOC for deficiencies corrected before the onsite review is completed.

Progress reports should not be required more frequently than semi-annually, and, of course, would not extend beyond the date of the underlying document.

Field Monitoring

The FCCM at section 8-150 requires timely evaluation of progress reports. The reports are to be evaluated by OFCCP within 15 days of receipt and an evaluation promptly forwarded to the contractor.

The OFCCP field has instituted various logging systems to ensure that progress reports are received when due and to record the results of the reviews of the reports. OFCCP National Office on April 8, 1986, issued a memorandum to the field requiring that they institute a tracking system that provides, as a minimum, the dates by which reports are to be submitted and the results of the evaluations of the reports.

While the National Office provided a format to the field for logging progress reports, we did not require that it be used. The field is free to use its own log as long as the required information is collected. Some area offices have computerized the process while others use manual logs.

Number of Progress Reports Received

CAs and LOCs obtained by OFCCP during FY '85, FY '86, and FY '87 number as follows:

YEAR	CAs	LOCs
FY'85	1,158	2,106
FY'86	1,342	1,999
FY'87	1,017	1,408
TOTAL	3,517	5,513

Based on these agreements, there were 10,076 progress reports for the three year period.

Construction Monitoring Reports

Estimating that one third of the agreements resulted from construction compliance reviews, the number of construction progress reports monitored would be 3,359.

Results of Monitoring

Monitoring by the field results in several different findings. When there are problems, follow up is by phone and letter. In one category, contractors sometimes fail to submit the reports. When a report is not submitted, the contractor is no longer in compliance and is subject to enforcement action.

Sometimes reports are received, but they are incomplete or inaccurate. Under these circumstances, the deficiencies in the report are pointed out and a timeframe for submission of the corrected data specified.

Usually the reports submitted do fulfill the contractors' commitments.

When the required reporting is fulfilled and the CA or LOC expires, monitoring of the particular contractor ceases until it is selected for another review or some problem comes to the attention of OFCCP.

Attachments

U.S. Department of Labor

Employment Standards Administration
Office of Federal Contract
Compliance Programs
Washington, D.C. 20210

DEC 14 1987

MEMORANDUM FOR: JAMES J. BRUDNEY
Counsel
Labor Subcommittee, Senate Labor and
Human Resources Committee

FROM: JERRY D. BLAKEMORE
Director
Jerry

SUBJECT: Second submission: Office of Federal
Contract Compliance Programs

In regard to your request for (1) examples of and explanation of the debarment process, (2) explanation of the criteria used for determining whether a violation is major or minor and (3) historical information on compliance reviews of the "high tech" industry, I am providing you the following information:

DEBARMENT/ENFORCEMENT

I have attached for your information and review a memorandum which outlines the process for debarments. As you know, a debarment is an integral part of the enforcement process and is closely parallel to a contempt order. It is most commonly ordered by the Secretary when, after a full evidentiary hearing, a ruling is made requiring certain remedies and the contractor refuses to comply. I will be more than happy to discuss this issue in more detail when we meet.

I have also attached copies of the two most recent debarment actions.

DETERMINATION OF CHARACTER OF VIOLATION

Whenever OFCCP, during the course of a compliance review, finds a violation or "deficiency", corrective action is taken and OFCCP monitors the corrective action either through a Conciliation Agreement (CA) or Letter of Commitment (LOC). As a general rule, CAs are used for major deficiencies and LOCs are used for minor deficiencies. (Major deficiencies or violations would include such things as substantial deviation from an affirmative action program, failure to comply with an LOC, any and all instances of discrimination, and, generally, those matters for which a show-cause notice would be issued. Minor deficiencies would include, typically, shortcomings in written affirmative action programs, such as required changes of goals, revisions of job groups, changes of availability estimates and other deficiencies readily correctable.)

One of the major benefits of having two levels of closing documents is that it provides our field representatives greater flexibility in resolving deficiencies found in the process of a compliance review.

COMPLIANCE REVIEWS IN HIGH TECH INDUSTRIES

To facilitate responding to your request, we have defined those companies engaged in research or manufacture of technical equipment as members of high tech industry. Specifically, we have determined those establishments to be "high tech" which come under the following Standard Industrial Codes (SIC): 357 (Computer and Office Equipment); 366 (Communications Equipment); 367 (Electronic Components and Accessories); 376 (Guided Missiles and Space Vehicles); 369 (Miscellaneous Electrical Machinery, Equipment and Supplies); 381 (Search, Detection, Navigation, Guidance, Nautical Systems, Instruments and Equipment); 382 (Laboratory Apparatus and Analytical, Optical, Measuring, and Controlling Instruments).

Attached is a computer printout reflecting all compliance reviews of companies in the above-listed SICs since Fiscal Year 1984. This printout indicates company name and address, work force composition, dates of each step of the compliance review, the deficiencies found and the nature of settlement. We will be happy to explain these data further should you require it.

I am also attaching the CA/LOC logs received from our Denver and San Francisco Regions, which will complete the Regional records sent to you earlier.

Attachments.

ENFORCEMENT PROCESS: Compliance Reviews

A. When apparent violations are found during a compliance review the contractor is given notice by one of the following:

1. Predetermination Notice - Where pattern or practice discrimination

2. Letter of Deficiencies - where AAP deficiencies, individual discrimination or unresolved class discrimination

B. Violations which are confirmed by the EOS are conciliated. Material violations are resolved through a Conciliation Agreement and minor violations through a Letter of Committment.

C. A Show Cause Notice is issued where matters cannot be settled. It gives contractor 30 days to show cause why OFCCP should not proceed to enforcement.

D. If contractor fails to show cause or to settle issues by a Conciliation Agreement, the ARA recommends enforcement. (A Conciliation Agreement must be executed where a Show Cause Notice is issued.)

E. Enforcement is initiated by the Assistant Regional Administrator (ARA). The ARA forwards enforcement recommendation to Regional Solicitor of Labor(RSOL) except for novel or unprecedented issues:

(1) Novel or unprecedented issues are submitted to the National Office for review prior to enforcement.

(2) If OFCCP National Office approves enforcement the case is usually referred to National Solicitor of Labor (NSOL.)

F. NSOL or RSOL issues an administrative complaint to the contractor setting out the alleged violations and the relief sought.

(1) The contractor has 20 days to file an answer with the Administrative Law Judge.

(2) After concluding prehearing procedure an administrative hearing is held.

For Executive Order cases the Administrative Law Judge recommends findings, conclusion and decision to the Secretary of Labor.

For section 503 & 28 U.S.C. 2012 cases the Administrative Law Judge recommends findings, conclusion and decision to the Assistant Secretary for the Employment Standards Administration.

G. The Secretary or Assistant Secretary considers the recommended decision, and any exceptions filed by the parties and issues a final Administrative Order.

(1) An Administrative Order enjoins the violations, requires remedies, and provides for sanctions.

(2) Sanctions may include cancellation, termination, or debarment of existing contracts.

(3) In some instances cancellation/debarment is effective upon issuance of the order; in others sanctions are imposed only if the contractor fails to comply with the actions required by the Administrative Order.

H. Expedited Hearing

(1) Under certain circumstances, such as violation of a conciliation agreement, an expedited hearing may be held.

(2) The major differences between regular and expedited hearings have to do with the extent of prehearing discovery. The results of both types of processes are the same.

(Note: In the interest of economy, certain additional material accompanying this statement was retained in the files of the committee.)

Women and Employment, Inc.
1217 Lee Street, Charleston, West Virginia 25301
(304) 345-1298

Senator Metzenbaum Committee
Neighbor & Human Resources
428 Dirksen Senate Building
Washington, D.C. 20510 November 24,
1987

Dear Mr. Brudney,

I am writing this letter concerning the hearings in which the sub-committee of the senate labor and human resources committee heard testimony from women who are trying to gain access to highway jobs.

In August 1986, Danita Haskins, a summer law intern from the university of Alabama wrote a research paper on the internal hiring practices of the West Virginia Department of Highways. According to this report "for the purposes of writing this report, it took a freedom of infromation act request to the department's commissioner before the affirmative action plan for 1986 and 1987 finally arrived. The document was freshly drafted, incomplete, and seven months late. Statisical employment data as of May, 1986 revealed the following numbers of full-time WVDOH employees presently working in te skilled craft category".

BLACK WOMEN ------ 1
BLACK MEN ------ 19
HISPANIC WOMEN ----- 0
HISPANIC MEN ------ 1
WHITE WOMEN ------ 9
WHITE MEN ------ 1030

As you read this testimony, please keep in mind that "WVDOH is the largest state employer and a prime source for job opportunities for women and minorities, especially in the rural areas of the state".

I hope that these hearings will help this committee better understand the enormous obstacles women must face in order to get a chance at a decent paying job. As a journey level carpenter and advocate for these women, I strongly urge that you consider the testimony and take quick and positive action to require enforcement of the laws already on the books. By the year 2000, all people living in poverty will be women and children. This committee has the opportunity to do something about the feminization or poverty.

For the women I work with and for myself, I am.

Very truly youre,

Lisa Diehl

Lisa Diehl

NATIONAL RESEARCH COUNCIL
COMMISSION ON BEHAVIORAL AND SOCIAL SCIENCES AND EDUCATION
2101 Constitution Avenue Washington, D.C. 20418

COMMITTEE ON WOMEN'S EMPLOYMENT
AND RELATED SOCIAL ISSUES

(202) 334-3990

December 1, 1987

Senator Howard M. Metzenbaum
Chair, Subcommittee on Labor
Committee on Labor and Human Resources
608 Hart Senate Office Building
Washington, DC 20517

Dear Senator Metzenbaum:

I would like to congratulate you on holding hearings on women in nontraditional jobs. Integrating jobs in industries such as construction and high technology is critical for achieving equal employment opportunity and economic independence for women. The attached statement summarizes the research on women in nontraditional, blue-collar jobs which I hope you will find helpful in your deliberations.

If there are any questions, please don't hesitate to contact me.

Sincerely,

Brigid O'Farrell

Brigid O'Farrell
Study Director

BOF:pd
Enclosure

The National Research Council is the principal operating agency of the National Academy of Sciences and the National Academy of Engineering to serve government and other organizations

WOMEN IN NONTRADITIONAL JOBS

Testimony Submitted to the

Subcommittee on Labor

Senate Committee on Labor and Human Resources

By
Brigid O'Farrell, Study Director*
Committee on Women's Employment and Related Social Issues
National Research Council, National Academy of Sciences

November 30, 1987

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* This statement is based on work done by the author while a Research Associate, Center for Research on Women, Wellesley College, and does not represent the work of the Committee on Women's Employment and Related Social Issues, National Research Council, National Academy of Sciences.

From 1974 to 1986, I was Research Associate at the Center for Research on Women, Wellesley College. During that time, I carried out research on women entering unskilled, semiskilled, and skilled blue-collar jobs traditionally done by men, primarily in large, unionized, industrial factories. I also published several literature reviews on this subject. These publications have been made available to the subcommittee.

Based on my own research, as well as studies of women coal miners, steelworkers, truck drivers, utility workers, shipbuilders and construction workers, I conclude that the individual experiences of the women who testified before the subcommittee are not unique, but rather present concrete examples of more general trends in both the progress and the problems for women entering nontraditional blue-collar work. In this testimony I will briefly summarize the research findings in the areas of enforcement, women's experiences, male coworkers and supervisors, and unions, with some emphasis on the construction trades.

THE PROBLEM

In the United States today there are over 28 million workers in blue-collar jobs; 30 percent of the total labor force. Slightly over 5 million of the blue-collar workers are women who comprise 18 percent of the blue-collar work force These women, like men, work out of economic necessity as well as for challenge, accomplishment and companionship. Their work experiences, however, fall into two distinct categories; traditional and nontraditional. The majority work in the lowest paying, least skilled operative and assembly jobs traditionally held by women such as sewer, stitcher or machine operator. A small, but growing number of women, however, work in higher paying skilled jobs traditionally held by men; for example plumber, die-maker, auto assembler, sweeper.

The exclusion of women from craft trades and the designation of jobs as male and female in the industrial setting was firmly established at the turn of the century (Milkman, 1983; Tentler, 1979). During World War II women entered skilled blue-collar jobs in unprecedented numbers. The government actively recruited women and pressured resistent employers to hire them. Similar efforts were then made to return women to traditional jobs after the war (Chafe, 1972; Milkman, 1976). During the last twenty years women again have begun to enter these jobs, this time in response to combined pressures from individual women seeking new job opportunities and the enforcement of equal employment opportunity laws.

The designation of jobs as male or female has changed over time, but we now define nontraditional jobs as those in which women form a considerably smaller proportion of the occupation (less than 20 percent) than their current share of the total employed population, now 42 percent (Rytina and Bianchi, 1984). Using this definition we find that 39 out of 41 detailed craft occupations listed by the Department of Labor are nontraditional. Only one traditional craft, printing, is more than 15 percent female. Over half of the thirty-eight operative occupations and nine out of ten non-farm laborer occupations are nontraditional (U.S. Department of Labor, 1984a).

Under government guidelines, employers and unions have developed affirmative action plans to actively recruit, hire, train and promote women into jobs from which they were excluded in the past. Hundreds ofemployers, including large corporations like General Electric and American Telephone and Telegraph (AT&T), as well as local construction contractors have reviewed their employment policies, assessed their employees and the available pool of women in the surrounding community, to determine where more women should be employed. In addition to stopping discriminatory procedures, for example firing women when they marry, they have identified jobs from which women have been excluded, set specific numerical goals for the number of women they need to hire and promote in those jobs, established a time frame, and developed programs for reaching the goals.

Affirmative action programs can be voluntary on the part of the employer or negotiated as part of the collective bargaining agreement. Evidence suggests, however, that most programs are either required because the employer does work under contract to the federal government or because the Equal Employment Opportunity Commission has investigated complaints of sex discrimination filed against the company. Employers themselves report that little progress would have been made without the federal pressure and threat of costly law suits (O'Farrell and Harlan, 1984).

Under such affirmative action programs some change has occurred, but progress has generally been slow for women in blue-collar jobs; slower than for women in management and professional jobs. In the major category of craft worker there are over 500,000 women; an increase from 3 percent of the total in 1970 to 6 percent in 1980. Efforts have been most successful for entry level jobs. During this same time period the unskilled laborer category went from 3 percent to 11 percent women. The attached table shows the progress women have made in three major nontraditional categories: skilled craft, transportation operative and laborer. (These are the most recent figures for which comparative data are available.)

Some employers and scholars argue that this slow progress is due to the lack of available, qualified, interested women. Managers in a study of over 200 large corporations, concluded: "There is no ready supply of female applicants for nontraditional blue collar jobs" (Shaeffer and Lynton, 1979:67-71). While many women do not seek nontraditional jobs (Hoffman and Reid, 1981; Barrett, 1980; Rosen, 1981) there is growing evidence that women are interested when in fact jobs are available to them.

While the preferences of individual women are important, the pace of integration in blue-collar jobs is also strongly affected by internal organizational barriers in the areas of recruitment, training and mobility and external business constraints, such as the economy and technological change. While the research is limited to qualitative, mostly exploratory studies on women who have succeeded in nontraditional jobs and large companies under federal enforcement procedures, it provides a sound base from which to question theories and policies which focus primarily on the qualifications and initiative of individual women. Who are the women who have moved to these jobs?

WOMEN CARPENTERS, MACHINISTS AND LABORERS

In general, the women now in nontraditional jobs are somewhat older, in their late twenties or early thirties, than men entering at the same time who are more likely to be in their late teens or early twenties. These women are likely to have had experience supporting themselves and families in traditional female jobs. For the most part high schools, vocational schools and federal job training programs continue to track women into traditional jobs (Harlan, 1985; Marini and Brenton, 1984; Waiteand Berryman, 1984) and young women continue to view work as a temporary phenomena (Barrett, 1979) despite the reality of women's increasing participation in the work force, even with young children.

Women in coal mines, steel mills, manufacturing plants, construction sites and shipyards, to name a few, report that they are satisfied with their work, and are more satisfied than women in traditional jobs, white or blue-collar, with the pay and the actual content of the work itself, i.e. the tasks performed and skills used. While money is the primary reason for working in these jobs it is also important to the women that the jobs are more challenging, interesting and provide more opportunity than their previous jobs (Hammond and Mahoney, 1983; Lembright and Riemer, 1982; Walshok, 1981). There is also evidence that over time women's satisfaction in these jobs is very similar to the men with whom they work (McIllwee, 1982; Harlan, 1984).

There are also differences among nontraditional women. The pioneers, for example, are a special group of women; the first to try nontraditional jobs in an organization. They reached their jobs through personal initiative, often filing union grievances and going to state and federal agencies with charges of sex discrimination to open these jobs. They describe themselves and are described by others as "fighters, brave, rugged, tough, aggressive, confident and willing to take a chance" (Harlan and O'Farrell, 1982). These women often had some exposure to nontraditional jobs in the past and/or family members who worked in the trade or industry. They are more likely to have some college and to be single heads of families than others (Deaux and Ullman, 1983; Hammond and Mahoney, 1983; Walshok, 1981; O'Farrell, 1980). In the pioneer situation,before major organizational changes are made usually through formal affirmative action agreements, women continue to overcome significant barriers, including harassment from male coworkers and supervisors.

MALE COWORKERS AND SUPERVISORS

Harassment by male coworkers and supervisors is a well documented and often cited problem for women in nontraditional blue-collar jobs, both in the popular media and in the research literature. The harassment takes may forms of both mental and physical abuse. While a serious problem for many women it is one that can be anticipated and overcome. In the recent studies, cited above, about thirty-percent of the women interviewed reported harassment. It is clearly most severe for the first women, but appears to lessen over time, be directed to a few women, and come from a relatively few men. In a study of women in a auto plant, for example, Gruber and Bjorn (1982) found that harassment was most severe for women who were either unmarried, young, black or in the lower status jobs.

Several studies also point to a greater problem with foremen than coworkers (Gruber and Bjorn, 1982, Deaux and Ullman, 1983; O'Farrell, 1980). In one company, for example, a foreman had had to train women on the job which increased their work load This additional work went unrecognized by higher level managers. At the same time, these women might be promoted above the foreman who was training them. The foreman took out his frustrations by harassing the women who worked for him (O'Farrell, 1977).

In each of these studies women also report that some men are helpful and that learning to work with these men is a major factor in success. While some men's hostility toward women is firmly rooted in sexist beliefs about women and their proper role, and is unlikely to change, others are rooted more in a fear of job loss and a concern for fairness. Once men see that women can actually do the work they are more positive about working with women. Having unqualified women on the job has a very negative impact. (Gray, 1984; Deaux and Ullman, 1983; Walshok, 1981; O'Farrell, 1980; Meyer and Lee, 1978).

UNIONS

Male coworkers are often members of labor unions to which women in nontraditional jobs also belong. Workers in these jobs are the most highly organized in the country; for example, 49 percent of construction craft workers (except carpenters), 55 percent of machinists, 61 percent of metal craft workers, and 85 percent of automobile and equipment operatives are organized (U.S. Dept. of Labor, 1981). Historically, unions have been seen as part of the problems for women workers (Hartmann, 1976; Milkman, 1980). Craft unions have excluded women for membership and industrial unions have accepted the assignment of men and women to different jobs, with different wages, basically reflecting the occupational segregation of the workplace. While some unions have fought for equal pay for equal work and a few for equal pay for comparable worth, none seriously challenged basic sex typing of jobs (Steinberg and Cook, 1981; Milkman, 1980; Wertheimer, 1984).

Unions, like employers are prohibited from discriminatory practices under Title VII of the 1964 Civil Rights Act and the Executive Orders Federal policy in general has held unions responsible along with employers for discrimination, i.e. charging them with discriminating against women members. For example, federal government agencies have filed lawsuits against discriminatory hiring and placement procedures in the building trades and discriminatory seniority systems negotiated by industrial unions (Newman and Wilson, 1981). There is also evidence that unions have not been responsive to the particular needs of women entering nontraditional jobs, especially for the pioneer women. They have participated in hostile acts, not adequately represented women and been resistent especially to changing seniority systems which would benefit women members. For example, in 1982 EEOC analyzed 2,307 charges of discrimination against labor unions; thirty-two percent of which charged sex discrimination (EEOC, 1982a).

Unions have also been able to use EEO laws to gain some things that they were unable to negotiate through collective bargaining (Newman and Wilson, 1981). Job posting, for example, is a system where managers must publicly notify workers what jobs are vacant and workers can then apply for or "bid" on those jobs. Without such a system managers can hire and transfer workers without any regard for the interests of the workers themselves. Job posting is a system of benefit to both men and women which unions have traditionally fought for. Job posting is now also a standard part of affirmative action agreements. In the case of one large manufacturing company the union had been unsuccessful in negotiating such a system until they had the pressure of the equal employment laws (O'Farrell, 1980).

Women have also reported that union members and leaders, like men in general, have become more supportive after the very first integration efforts are over and as women have become more active in the unions,developing women's committees and slowly moving into more leadership positions. Even women who are dissatisfied with the unions report needing a union on the job (O'Farrell, 1980). One United Mine Worker executive board member said that women are beginning to win the respect of male miners and union officials:

> Women can do any job there is to do underground, although some guys still don't want to admit that (Wall St. Journal, 1981).

The policy of the Federal government, however, has excluded unions from involvement in affirmative action plans except as defendants (Newman and Wilson, 1981). The steel industry consent decree is the major exception. On a day-to-day basis unions can and should play a much more active role for women in nontraditional jobs; helping to reduce coworker hostility, monitoring affirmative action agreements and representing women when they have grievances. The role of unions is even more important as government enforcement efforts are relaxed (Simon, 1986; O'Farrell and Harlan, 1984). Research in Europe and the U.S. calls for a stronger role for unions in job integration in the future (Ratner, 1980). This is particularly crucial in addressing the internal organizational barriers as well as the external constraints which continue to prohibit women's mobility. We turn now to some of the progress and problems of job integration as they develop within construction.

CONSTRUCTION CRAFT: EXTERNAL RECRUITMENT

> Nothing equals the satisfaction of constantly learning new skills in my field ... I enjoy working with wood and creating something anyone can see. (Maggie Chalmers, Journeyperson Carpenter-Lederer, 1979:17).

There were over a million carpenters in 1983. Along with painters, plumbers and electricians (over 200,000 each) they form the core of the blue-collar aristocrats (LeMasters, 1975). In 1970, .4 percent of the carpenters were women. In 1980, there were 18,000 women carpenters, or 1.5 percent of the total, a percentage increase similar to construction craft workers as a whole (U.S. Dept. of Labor, 1982, 1972). Spread out over the entire country, however, this often means one woman on a construction site, where pioneers are still the norm (Riemer, 1979).

Access to the most highly skilled trades is often, although not exclusively, through formal apprenticeship programs. These apprenticeship programs last from 3 to 5 years and include classroom and on the job training. The Department of Labor estimates that in 1981 about 6 percent of the registered apprentices were women, up from just 1.1 percent in 1977. According to the most recent figures from programs reporting to the Equal Opportunity Commission (1982b) 3.7 percent of the construction apprentices were women, accounting for 5.2 percent of the drop outs and 1 percent of the graduates. Participation and graduation rates were even lower for women of color.

Informal recruitment, family referrals, lack of vocational training, especially in shop and math, and upper age limits have been primary barriers to women in apprenticeship (Roos and Reskin, 1984). To expand external recruiting sources for apprenticeship, as well as other blue-collar jobs, employers and unions must go beyond high school shop classes, trade schools and the military services, which traditionally supplied young men. For example, federally funded recruitment and training programs have successfully prepared women, and minorities, withnecessary background information to enter apprenticeship (Harlan, 1985; Kane and Miller, 1981). By 1978 Wider Opportunities for Women reported that there were over 150 such programs, working with unions and employers through Joint Apprenticeship Councils. They are generally able to recruit and train more applicants than they can place (Kane and Miller, 1982; Wall St. Journal, 1982).

In addition to the aggressive recruitment strategies mentioned earlier, successful programs recommend reaching out specifically to rural women and physical education majors because of a general interest in and experience with physically demanding work and to women in blue-collar community organizations because of their general familiarity with blue-collar jobs (Shaeffer and Lynton, 1979). Many women are unfamiliar with nontraditional work and employers have found it helpful to provide more information about job content, including clear jobs descriptions that have information on training and promotion opportunities, hours, pay and pressures. More careful recruitment and screening may reduce job turnover. For example, in a study of ten public utility companies, Meyer and Lee (1978) found that women were much less carefully screened for [illegible] than for [illegible] white-collar [illegible]. The turnover rates for [illegible] were [illegible] and the authors attributed this in part to the difference in screening procedures.

Conclusion

In summary, the following conclusions are drawn from the existing research (O'Farrell and Harlan, 1984):

1. Federal EEO laws have been important in producing substantial changes in the work forces of targeted firms. There is a growing acceptance of EEO principles by corporate managers and a demonstrated psychological impact on women's willingness and ability to press their demands for nontraditional jobs.

2. Most of the successful corporate intervention strategies for increasing job integration have been in the areas of recruiting, hiring, and training women for previously all male entry-level jobs.

3. An effective recruitment strategy combines active external recruitment from nontraditional sources with innovative internal recruitment efforts that usually involve changes in company seniority systems. Careful screening of applicants results in lower turnover, which furthers the long-term goal of job integration.

4. Preplacement training and supplementary courses for women in blue-collar jobs are effective in overcoming women's lack of technical education and experience, in helping them to perform better on the job, and in increasing their acceptance by male coworkers.

The increasing number of women being hired into entry-level jobs, combined with bottlenecks in promotion opportunities, may lead to resegregation of the lowest-paying, least-prestigious men's jobs, resulting in new female "ghettos."

The most effective strategies to ensure that women have equal promotion opportunities in an organization are to make initial job assignments that place women on career paths with high opportunities for advancement, to make temporary modifications in qualifications and seniority provisions to meet affirmative action goals, and to develop methods for individual qualification assessment and career planning that increase opportunities for [illegible].

7. To increase the chances for ultimate success in reducing job segregation, companies should implement their intervention programs in areas of projected corporate growth and in coordination with long-term plans for technological innovation.

8. An effective internal administrative structure for planning EEO policy and implementing intervention programs is essential for ultimate success in job integration. The important elements of administrative effectiveness are commitment from top executives and line managers (which can be facilitated by staff EEO training), a skillful EEO manager, an accurate data management system, and allocation of sufficient corporate resources for implementation and monitoring.

9. In firms with collective bargaining agreements, the cooperation of union staff and officers in eliminating barriers to job integration (e.g. changes in job posting, outreach, qualification assessment, training and seniority systems) is essential for achieving a strong and effective EEO policy.

Current economic policies and high unemployment limit new opportunities and affect recent gains. These concluding recommendations attempt to address the realities of today within the context of the long-term goal of achieving equal employment opportunity for women and men. Future programs and policies should include the following:

- federal and state support for the development of alternative EEO monitoring systems, the involvement of labor unions in EEO negotiations, and upgrading women's jobs;
- federal and state support for skills training, information dissemination, and leadership development;
- corporate improvement of human resource planning;
- union programs to develop women leaders and to identify EEO problems;
- joint union and company initiatives to improve the terms of collective bargaining agreements for women workers; and
- cooperatively planned and executed longitudinal comparative research by the government, companies, unions, and researchers.

In summary, Norton (1981) argues persuasively that future affirmative action efforts will be more effective if employers, unions and government agencies coordinate their planning with trends in labor force composition, regional changes in economic opportunities, and technological innovations. Individual women will continue to seek nontraditional blue-collar jobs, but major progress in job integration and including women in retraining efforts for new jobs, seems unlikely without careful planning and continued government intervention.

I want to thank the subcommittee for the opportunity to submit this testimony and I would be happy to answer any questions that arise.

WOMEN IN SELECTED NONTRADITIONAL BLUE-COLLAR OCCUPATIONS

1970-1980

	1980		1970	
OCCUPATION	% Women	(Number)	% Women	(Number)
CRAFT-KINDRED*	6.0%	(566,000)	3.3%	(222,000)
CONSTRUCTION:				
Carpenters	1.5%	(18,000)	0.4%	(3,000)
Other Construction	1.9%	(49,000)	0.8%	(15,000)
NONCONSTRUCTION:				
Mechanics & Repair	1.9%	(64,000)	0.9%	(25,000)
Metal Working	3.9%	(50,000)	1.4%	(17,000)
Other Nonconstruction	16.0%	(385,000)	8.5%	(162,000)
OPERATIVE-TRANSPORTATION				
(Driver/Motor Vehicle)	8.7%	(257,000)	4.0%	(104,000)
NONFARM LABORER	11.6%	(515,000)	3.0%	(137,000)
Construction	2.5%	(20,000)	0.5%	(4,000)
Manufacturing	15.7%	(151,000)	5.9%	(60,000)
Other Industries	12.7%	(344,000)	3.9%	(73,000)

U.S. Department of Labor, Employment and Earnings, Household Data-Annual Averages.
Table A-16 Employed Persons by Occupation group, sex and age, January 1972.
Table 21 Employed Persons by Occupation, sex and age, January 1982.

* Does not include supervisors not classified elsewhere.

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TO: The Honorable Howard Metzenbaum
Chairman, The Labor Subcommittee
The United States Senate
428 Dirksen Senate Office Building
Washington, D.C. 20510

FROM:The Housing Advocates, Inc.
240 The Colonial Arcade
530 Euclid Avenue
Cleveland, Ohio 44115

RE: Hearing on Women and Work

DATE:November 15, 1987

The Housing Advocates, Inc. wishes to submit a statement regarding its own experience with regard to the barriers and discrimination preventing the participation of women in road construction work. As a private non-profit agency operating in the Greater Cleveland area over the past twelve years, we have focused our efforts on the issue of equal housing opportunity. One of the problems in achieving this goal in behalf of female heads of households is the lack of financial resources to secure decent housing in our community. One factor contributing to this problem is sex segregation in many occupations that traditionally restrict women to jobs that pay less.

Our agency undertook a project promoting non-traditional jobs for women, focusing on female headed households on public assistance. Calling the project The Women's Action Agenda in Employment, we directed our efforts toward road construction where salaries exceed those generally available to women and employers have affirmative responsibilities to promote female participation, specifically Federal Aid to Highways, 23 U.S.C. 140, Executive Order 11246 and in Ohio, Governor Celeste's Executive Order 84-9. See Exhibit 1.

The project has worked cooperatively with The Office of Human Resources of The Ohio Department of Transportation and The Ohio Department of Administrative Services through whom we receive the announcements of approved training positions for road construction projects and contractor compliance reports.

Our efforts, often successful in securing a training opportunity for women, have totally failed to provide any long term training or employment. Of the four women recently placed with construction companies doing business on highway projects funded in whole or in part by federal monies, none has worked more than 9 days for any one contractor. This has occurred in spite of the fact that three of these women were working in training slot positions. Pursuant to 23 C.F.R. Section 230.111, training slot positions were established to provide on the job training to assist women and minorities to qualify for journeyman status. See Exhibit 2, page 39.

In order to determine whether our experience was typical of the manner in which the program has been implemented by area contractors, we requested and received a report on the utilization of training slot positions from the Ohio Department of Transportation. The report we received reflects many examples of misuse of the program. See Exhibit 3. For example, in a single training slot position (laborer grade checker/dumpman), a contractor (The Horvitz Company) on a specific project (86-0857) has employed four different women as of July 1, 1987. Similarly, a laborer position with Great Lakes Construction Company on Project Number 86-0674 has been filled by three different women.

In the latter case, one of the women filling the training slot secured her job through our project. As a result of only receiving employment for a total of four days, she filed a complaint with the Ohio Department of Transportation. At issue was the absence of any training followed by a termination alleging her inability to perform the job. By her complaint the individual raised, as factors in her treatment, the fact that she was a black woman. The conclusion of the investigation was a finding that the training was mishandled. See Exhibit 4. Of concern is the fact that, in spite of their finding, The Ohio Department of Transportation advised the trainee that it was without the authority to correct the situation or provide her relief. See Exhibit 5.

The preceding individual experience demonstrates that problems identified by our project in 1985 continue to exist. I have enclosed a copy of a report issued by The Women's Action Agenda in Employment in January of 1986 covering the 1985 highway construction season. Entitled, "A Study of Employment of Women in State Funded Construction: Road Blocks not Road

Work", the report reflects a pervasive pattern of not meeting the goal of 6.9% women. Based on reports filed by contractors with the Ohio Department of Transportation, District 12, seven contractors met their goal during only one month between May and October 1985. Only one contractor had met the goal for more than one month. One company who had been awarded contracts totalling almost six million dollars had employed no women at all. Finally, 9 times as many "female hours" were concentrated in apprenticeship and training programs as in journeyman or non-trade occupations. See Summary of Study on page 2 of the report.

The importance of the hearing now being held is not only to show that women are not benefitting from the programs put in place by the legislative and executive branches of our government. But of even greater significance is the fact that, in the absence of specific action by the Congress, no improvement in this situation is likely to occur. I have attached a response from the Secretary of Transportation when provided with our report eighteen months ago. We were assured that special attention would be given to the problems we had identified when the Federal Highway Administration performed its annual review. In fact, the absence of adequate staff has prevented any on-site reviews from taking place. See Exhibits 6 and 7.

In order to insure that the nondiscrimination and affirmative action assurances incorporated in the highway construction programs are met, we submit the following recommendations from the Women's Action Agenda in Employment Project of The Housing Advocates, Inc.:

1. Contractors bidding on state and federal [illegible] projects should be required to [illegible] the nondiscrimination and affirmative [illegible]

2. Contractors [illegible] receive preference over [illegible]

3. Monitoring [illegible] state funded highway pro[illegible]

I would [illegible] appreciating [illegible] testimony. The W[illegible] welcome the [illegible] is seeking [illegible]

Submitted [illegible]

[illegible]

(… economy, the report entitled "A Study … State Funded Construction: Road Blocks Not … in the files of the committee.)

BEST COPY AVAILABLE

STATE OF OHIO
Executive Department
OFFICE OF THE GOVERNOR
Columbus

AMENDED EXECUTIVE ORDER 84-9

WHEREAS, the Fourteenth Amendment to the Constitution of the United States requires the State of Ohio to assure that all persons have equal employment opportunity on State public works contracts; and

WHEREAS, by the enactment of Section 4112.02 and related sections of the Ohio Revised Code, the Ohio General Assembly has prohibited employers, labor organizations and joint labor-management committees controlling apprentice training programs from engaging in any unlawful discriminatory practices and has thereby declared the elimination of such discriminatory practices to be the public policy of this State; and

WHEREAS, by the enactment of Section 153.591 of the Ohio Revised Code, the Ohio General Assembly has required that every State contract for the construction, alteration or repair of any public building or public work must contain an antidiscrimination covenant binding upon the contractor, subcontractor, or any person acting on his/her behalf; and

WHEREAS, the above-mentioned State laws, together with the forfeiture and cancellation penalties prescribed in Section 153.60 of the Ohio Revised Code, demonstrate the General Assembly's intention, consistent with the State's constitutional mandate under the Fourteenth Amendment, that public contracts shall be performed only by contractors who comply with Ohio laws

WHEREAS, despite existing state and federal laws and regulations that prohibit employment discrimination on the basis of sex, women have been and continue to be grossly underrepresented as craft workers in the construction industry nationally and in Ohio; and

WHEREAS, pursuant to the Consent Decree of Advocates for Women , et al. vs. F. Ray Marshall and the U.S. Department of Labor, it has been the policy of the federal government since 1978 to require construction contractors and subcontractors to establish separate and distinct employment goals for women and minorities on federal and federally-assisted construction projects; and

WHEREAS, current State of Ohio Implementing Rules and Regulations on Equal Employment Opportunity for State and State-assisted construction do not provide for separate and distinct employment goals for women on State and State-assisted construction projects, but include women within employment goals for minorities on State-funded construction projects instead; and

WHEREAS, this Executive Order shall not in any way limit the intent of the Executive Order dated January 27, 1972, but shall be construed as consistent therewith; the goals and standards of female participation, to be promulgated by the Equal Employment Opportunity Coordinator, shall be in addition to any standards of minority participation established in the previous Executive Order.

NOW, THEREFORE, I, Richard F. Celeste, Governor of Ohio, under and pursuant to the authority vested in me by the Constitution and laws of in order to assure effective implementation of the mandate of the Fourteenth Amendment to the

Services, through the State Equal Employment Opportunity Coordinator, shall establish uniform statewide goals for the utilization of women on state and state-assisted construction contracts. The percentage of female utilization set out in this order is to be expressed in terms of female hours of training and employment as a proportion of the total hours to be worked by the contractor's entire work force in each craft or trade on all projects, both state and non-state, in the State of Ohio during the performance of the contract or subcontract.

Goals for the utilization of women on such State or State-assisted construction projects may exceed but may not fall short of those currently in use by the federal government at the effective date of this Order.

No state contractor's compliance status shall be judged alone by whether or not goals and timetables are met. Rather, each contractor's compliance posture shall be reviewed and determined by examining the contents of the contractor's program and his/her good faith efforts to implement such program to meet the goals herein established.

This Order shall take effect immediately and the Director of the Department of Administrative Services, through the State Equal Employment Opportunity Coordinator, is further directed to promulgate the changes in existing EEO Rules and Regulations necessary to conform to the intent of this Order within 120 days of the filing of this Amended Executive Order 84-9.

This Amended Executive Order clarifies and further implements Executive Order 84-9.

IN WITNESS WHEREOF, by my Authenticating Officer, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 30 day of November, in the year of our Lord, one thousand, nine hundred eighty-four.

Joseph J. Sommer
Authenticating Officer for
Governor Richard F. Celeste
(Ohio Revised Code
Section 107.15)

ATTEST:
Sherrod Brown
Secretary of State

Filed in the Office of the Secretary
of State at Columbus, Ohio
November 30, 1984 [illegible]
[illegible]
Per [illegible]

submit an updated Title VI implementing plan to the Regional Federal Highway Administrator for approval or disapproval.

(12) Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

(13) Establishing procedures for pregrant and postgrant approval reviews of State programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the State.

(14) Establish procedures to identify and eliminate discrimination when found to exist.

(15) Establishing procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

§ 200.11 Procedures for processing Title VI reviews.

(a) If the regional Title VI review report contains deficiencies and recommended actions, the report shall be forwarded by the Regional Federal Highway Administrator to the Division Administrator, who will forward it with a cover letter to the State highway agency for corrective action.

(b) The division office, in coordination with the Regional Civil Rights Officer, shall schedule a meeting with the recipient, to be held not later than 30 days from receipt of the deficiency report.

(c) Recipients placed in a deficiency status shall be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

(d) The Division Administrator shall seek the cooperation of the recipient in correcting deficiencies found during the review. The FHWA officials shall also provide the technical assistance and guidance needed to aid the recipient to comply voluntarily.

(e) When a recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Division Administrator shall submit to the Regional Administrator two copies of the case file and a recommendation that the State be found in noncompliance.

(f) The Office of Civil Rights shall review the case file for a determination of concurrence or noncurrence with a recommendation to the Federal Highway Administrator. Should the Federal Highway Administrator concur with the recommendation, the file is referred to the Department of Transportation, Office of the Secretary, for appropriate action in accordance with 49 CFR.

§ 200.13 Certification acceptance.

Title VI and related statutes requirements apply to all State highway agencies. States and FHWA divisions operating under certification acceptance shall monitor the Title VI aspects of the program by conducting annual reviews and submitting required reports in accordance with guidelines set forth in this document.

PART 230—EXTERNAL PROGRAMS

Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

Sec.

230.101 Purpose.
230.103 Definitions.
230.105 Applicability.
230.107 Policy.
230.109 Implementation of specific Equal Employment Opportunity requirements.
230.111 Implementation of special requirements for the provision of on-the-job training.
230.113 Implementation of supportive services.
230.115 Special contract requirements for "Hometown" or "Imposed" Plan areas.
230.117 Reimbursement procedures (Federal-aid highway construction projects only).
230.119 Monitoring of supportive services.
230.121 Reports.
APPENDIX A—SPECIAL PROVISIONS
APPENDIX B—TRAINING SPECIAL PROVISIONS
APPENDIX C—FEDERAL-AID HIGHWAY CONTRACTORS ANNUAL EEO REPORT (FORM PR 1391)
APPENDIX D—FEDERAL-AID HIGHWAY CONSTRUCTION SUMMARY OF EMPLOYMENT DATE (FORM PR 1392)
APPENDIX E—FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTOR'S SEMIANNUAL TRAINING REPORT (FORM FHWA-1409)

Sec.
Appendix F—Federal-Aid Highway Construction Semiannual Training Report (Form FHWA 1410)
Appendix G—Special Reporting Requirements for "Hometown" or "Imposed" Plan Areas

Subpart B—Supportive Services for Minority, Disadvantaged, and Women Business Enterprises

230.201 Purpose.
230.202 Definitions.
230.203 Policy.
230.204 Implementation of supportive services.
230.205 Supportive services funds obligation.
230.206 Monitoring supportive services.
230.207 Sources of assistance.

Subpart C—State Highway Agency Equal Employment Opportunity Programs

230.301 Purpose.
230.303 Applicability.
230.305 Definitions.
230.307 Policy.
230.309 Program format.
230.311 State responsibilities.
230.313 Approval procedure.
Appendix A—State Highway Agency Equal Employment Opportunity Programs

Subpart D—Construction Contract Equal Opportunity Compliance Procedures

230.401 Purpose.
230.403 Applicability.
230.405 Administrative responsibilities.
230.407 Definitions.
230.409 Contract compliance review procedures.
230.411 Guidance for conducting reviews.
230.413 Review reports.
230.415 Consolidated compliance reviews.
Appendix A—Sample Show Cause Notice
Appendix B—Sample Corrective Action Plan
Appendix C—Sample Show Cause Rescission
Appendix D—Equal Opportunity Compliance Review Process Flow Chart

Authority: 23 U.S.C. 140 and 315; E.O. 11246; 49 CFR 1.48(b)24, unless otherwise noted.

Source: 40 FR 28053, July 3, 1975, unless otherwise noted.

Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

§ 230.101 Purpose.

The purpose of the regulations in this subpart is to prescribe the policies, procedures, and guides relative to the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts, except for those contracts awarded under 23 U.S.C. 117, and to the preparation and submission of reports pursuant thereto.

§ 230.103 Definitions.

For purposes of this subpart—

"*Administrator*" means the Federal Highway Administrator.

"*Areawide Plan*" means an affirmative action plan to increase minority utilization of crafts in a specified geographical area pursuant to Executive Order 11246, and taking the form of either a "Hometown" or an "Imposed" plan.

"*Bid conditions*" means contract requirements which have been issued by OFCC for purposes of implementing a Hometown Plan.

"*Division Administrator*" means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

"*Division Equal Opportunity Officer*" means an individual with staff level responsibilities and necessary authority by which to operate as an Equal Opportunity Officer in a Division office. Normally the Equal Opportunity Officer will be a full-time civil rights specialist serving as staff assistant to the Division Administrator.

"*Hometown Plan*" means a voluntary areawide plan which was developed by representatives of affected groups (usually labor unions, minority organizations, and contractors), and subsequently approved by the Office of Federal Contract Compliance (OFCC), for purposes of implementing the equal employment opportunity requirements pursuant to Executive Order 11246, as amended.

"*Imposed Plan*" means an affirmative action requirement for a specified geographical area made mandatory by OFCC and, in some areas, by the courts.

"*Journeyman*" means a person who is capable of performing all the duties within a given job classification or craft.

"*State highway agency*" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency."

"*Suggested minimum annual training goals*" means goals which have been assigned to each State highway agency annually for the purpose of specifying training positions on selected Federal-aid highway construction projects.

"*Supportive services*" means those services provided in connection with approved on-the-job training programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of functions determined to be necessary in connection with such programs, but which are not generally considered as comprising part of actual on-the-job craft training.

"*Trainee*" means a person who received on-the-job training, whether through an apprenticeship program or other programs approved or accepted by the FHWA.

[40 FR 28053, July 3, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

§ 230.105 Applicability.

(a) *Federal-aid highway construction projects.* This subpart applies to all Federal-aid highway construction projects and to Appalachian highway construction projects and other State supervised cooperative highway construction projects except:

(1) Federal-aided highway construction projects being constructed pursuant to 23 U.S.C. 117; and

(2) Those projects located in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or a "Hometown" Plan, except for those requirements pertaining to specific provisions involving on-the-job training and those provisions pertaining to supportive services and reporting requirements.

(b) *Direct Federal highway construction projects.* This subpart applies to all direct Federal highway construction projects except:

(1) For those provisions relating to the special requirements for the provision of supportive services; and

(2) For those provisions relating to implementation of specific equal employment opportunity requirements in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or "Hometown" plan.

§ 230.107 Policy.

(a) *Direct Federal and Federal-aid highway construction projects.* It is the policy of the FHWA to require that all direct Federal and Federal-aid highway construction contracts include the same specific equal employment opportunity requirements. It is also the policy to require that all direct Federal and Federal-aid highway construction subcontracts of $10,000 or more (not including contracts for supplying materials) include these same requirements.

(b) *Federal-aid highway construction projects.* It is the policy of the FHWA to require full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. Moreover, it is the policy of the Federal Highway Administration to encourage the provision of supportive services which will increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects.

§ 230.109 Implementation of specific Equal Employment Opportunity requirements.

(a) *Federal-aid highway construction projects.* The special provisions set forth in Appendix A shall be included in the advertised bidding proposal and made part of the contract for each contract and each covered Federal-aid highway construction subcontract.

(b) *Direct Federal highway construction projects.* Advertising, award and contract administration procedures for direct Federal highway construction contracts shall be as set forth in Federal Acquisition Regulations (48 CFR, Chapter 1, Paragraph 22.803(c)). In order to obtain information required by 48 CFR, Chapter 1, Paragraph 22.804-2(c), the following requirement shall be included at the end of the bid schedule in the proposal and contract assembly:

I expect to employ the following firms as subcontractors on this project: (Naming subcontractors at this time does not constitute a binding commitment on the bidder to retain such subcontractors, nor will failure to enter names affect the contract award):

Name ____________________________
Address __________________________
Name ____________________________
Address __________________________

[40 FR 28053, July 3, 1975, as amended at 51 FR 22800, June 23, 1986]

§ 230.111 Implementation of special requirements for the provision of on-the-job training.

(a) The State highway agency shall determine which Federal-aid highway construction contracts shall include the "Training Special Provisions" (Appendix B) and the minimum number of trainees to be specified therein after giving appropriate consideration to the guidelines set forth in § 230.111(c). The "Training Special Provisions" shall supersede section 7(b) of the Special Provisions (Appendix A) entitled "Specific Equal Employment Opportunity Responsibilities." Minor wording revisions will be required to the "Training Special Provisions" in areas having "Hometown" or "Imposed Plan" requirements.

(b) The Washington Headquarters shall establish and publish annually suggested minimum training goals. These goals will be based on the Federal-aid apportioned amounts and the minority population. A State will have achieved its goal if the total number of training slots on selected federally aided highway construction contracts which have been awarded during each 12-month period equals or exceeds the State's suggested minimum annual goal. In the event a State highway agency does not attain its goal during a calendar year, the State highway agency at the end of the calendar year shall inform the Administrator of the reasons for its inability to meet the suggested minimum number of training slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year and should be factual, and should not only indicate the situations occurring during the year but show the project conditions at least through the coming year. The final determination will be made on what training goals are considered to be realistic based on the information submitted by a State.

(c) The following guidelines shall be utilized by the State highway agency in selecting projects and determining the number of trainees to be provided training therein:

(1) Availability of minorities, women, and disadvantaged for training.

(2) The potential for effective training.

(3) Duration of the contract.

(4) Dollar value of the contract.

(5) Total normal work force that the average bidder could be expected to use.

(6) Geographic location.

(7) Type of work.

(8) The need for additional journeymen in the area.

(9) Recognition of the suggested minimum goal for the State.

(10) A satisfactory ratio of trainees to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).

(d) Training programs which are established shall be approved only if they meet the standards set forth in Appendix B with regard to:

(1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.

(2) The development of full journeymen.

(3) The minimum length and type of training.

(4) The minimum wages of trainees.

(5) Trainees certifications.

(6) Keeping records and furnishing reports.

(e)(1) Training programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA division Administrator with a recommendation for approval.

(2) Employment pursuant to training programs approved by the FHWA division Administrator will be exempt from the minimum wage rate provisions of section 113 of Title 23, U.S.C. Approval, however, shall not be given to training programs which provide for employment of trainees at wages less than those required by the Special Training Provisions. (Appendix B.)

(f)(1) Apprenticeship programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor need not be formally approved by the State highway agency or the FHWA division Administrator. Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered in a manner reasonably calculated to meet the equal employment opportunity obligations of the contractor.

(2) Other training programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor are also acceptable for use without the formal approval of the State highway agency or the division Administrator provided:

(i) The U.S. Department of Labor has clearly approved the program aspects relating to equal employment opportunity and the payment of trainee wage rates in lieu of prevailing wage rates.

(ii) They are reasonably calculated to qualify the average trainees for journeyman status in the classification concerned by the end of the training period.

(iii) They are administered in a manner calculated to meet the equal employment obligations of the contractors.

(g) The State highway agencies have the option of permitting Federal-aid highway construction contractors to bid on training to be given under this directive. The following procedures are to be utilized by those State highway agencies that elect to provide a bid item for training:

(1) The number of training positions shall continue to be specified in the Special Training Provisions. Furthermore, this number should be converted into an estimated number of hours of training which is to be used in arriving at the total bid price for the training item. Increases and decreases from the estimated amounts would be handled as overruns or underruns;

(2) A section concerning the method of payment should be included in the Special Training Provisions. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a substantial part of the overall training. Furthermore, the trainee must be concurrently employed on a federally aided highway construction project subject to the Special Training Provisions attached to this directive. Reimbursement for offsite training may only be made to the contractor where he does one or more of the following: Contributes to the cost of the training, provides the instruction to the trainee, or pays the trainee's wages during the offsite training period;

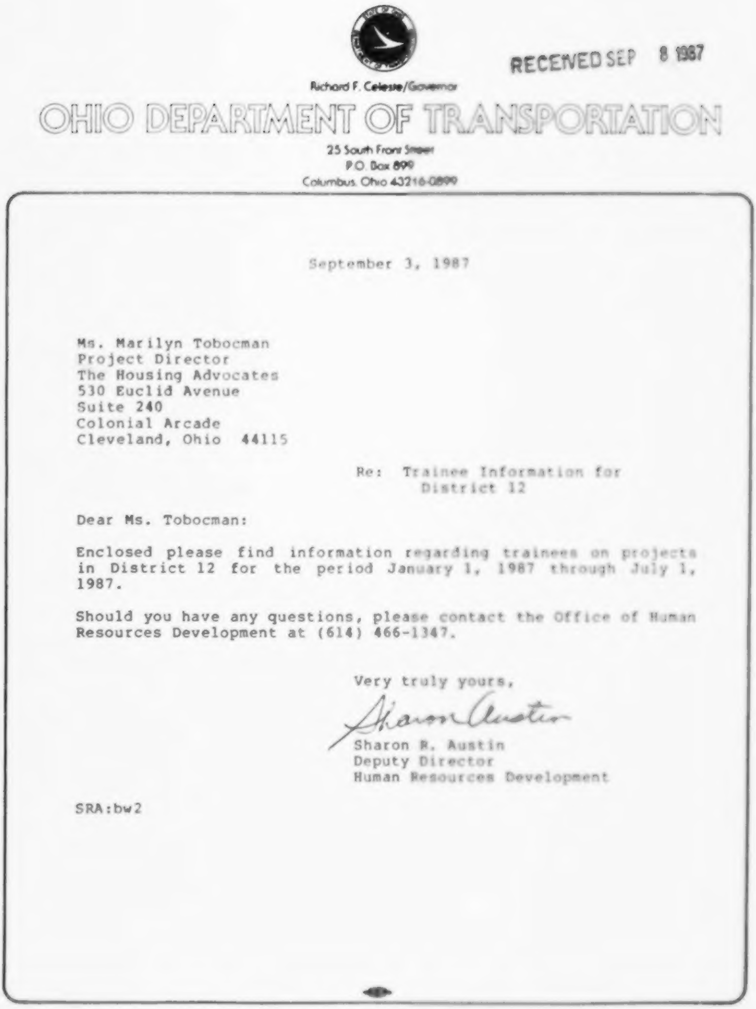
(3) A State highway agency may modify the special provisions to specify the numbers to be trained in specific job classifications;

(4) A State highway agency can specify training standards provided any prospective bidder can use them, the training standards are made known in the advertised specifications, and such standards are found acceptable by FHWA.

[40 FR 28053, July 3, 1975; 40 FR 57358, Dec. 9, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

§ 230.113 Implementation of supportive services.

(a) The State highway agency shall establish procedures, subject to the availability of funds under 23 U.S.C.



RECEIVED SEP 8 1987

Richard F. Celeste/Governor

OHIO DEPARTMENT OF TRANSPORTATION

25 South Front Street
P.O. Box 899
Columbus, Ohio 43216-0899

September 3, 1987

Ms. Marilyn Tobocman
Project Director
The Housing Advocates
530 Euclid Avenue
Suite 240
Colonial Arcade
Cleveland, Ohio 44115

Re: Trainee Information for District 12

Dear Ms. Tobocman:

Enclosed please find information regarding trainees on projects in District 12 for the period January 1, 1987 through July 1, 1987.

Should you have any questions, please contact the Office of Human Resources Development at (614) 466-1347.

Very truly yours,

Sharon Austin

Sharon R. Austin
Deputy Director
Human Resources Development

SRA:bw2

Tufte, Eloise Carpenter	02/24/87	86-0854	The Horvitz Company
Williams, Dolores Labor grade checker/traffic control	03/09/87	85-0779	The Hortvitz Company
Wolford, Jill Laborer (pipe-layer/bottom man)	03/30/87	86-0929	H.M. Miller Construction
Moore, Sherlyn Operating Engineer	05/04/87	-86-0473	Cleveland Trinidad Paving Co.
Ventura, James R. Operating Engineer	04/13/87	86-6000	Industrial First, Inc
Walker, Delores Carpenter	06/22/87	86-0652	National Engineering & Contracting Co.
Hissa, Jami Operating Engineer	04/27/87	86-0473	The Cleveland Trinidad Paving Co.
Vestfal, Marie Carpenter	05/20/87	86-6001	The Great Lakes Construction Co.
Abernathy, Kathleen Carpenter	05/12/87	86-6002	The Rulin Company
Gibbons, Laura Operator	05/27/87	86-0857	The Horvitz Company
Baker, Michell Butrimas Operating Engineer	06/01/87	86-6001	The Great Lakes Construction Co
Ellis, Lamont Carpenter	06/22/87	86-6001	The Great Lakes Construction Co
Robinson, Victor Operating Engineer	06/15/87	86-0857	The Horvitz Co.
White, Leonard Charles Carpenter Apprentice	05/14/87	86-8000	The Horvitz Company
Johnson, Ronald F. Laborer(Power Tool/Carpenter helper)	05/04/87	86-0652	National Engineering & Contracting Co.
King, Jesse Laborer Trainee(Power Tool Operator)	06/08/87	86-0605	Seawright - F.A.C.E.
Williams, Brenda L. Cement Finisher	06/15/87	86-0854	Gunite Corporation
Albrecht, Nancy Laborer (Concrete Puddler-Power tool)	06/22/87	86-0674	Great Lakes Construction
Nesbitt, Paul A. Carpenter	06/23/87	86-0652	National Engineering & Constr. Co.

Disney, Darlene Laborer grade checker-dumpperson	03/09/87	86-0473	Cleveland Trinidad Paving Co.
Dufur, Karen Laborer grade checker/dumpman	04/07/87	86-0857	The Horvitz Company
Evans, Connie Lee Laborer	03/09/87	86-0854	The Horvitz Company
Fuchs, Shelly Laborer guardrail & fence installer/ raker	03/27/87	84-1004	Highway Valets, Inc.
Garrett, Cathy Laborer grade checker/dumpman	04/15/87	86-0857	The Horvitz Company
Hayes, Roland Laborer pipelayer/bottom man	03/25/87	86-0929	H.M. Miller Construction
Herndon, Roy A. Carpenter	04/21/87	86-0652	National Engineering & Contracting Co.
Johnson, Robert Laborer traffic control/ carpenter helper	03/23/87	86-6000	The Horvitz Co.
Jones, Daryl Cement finisher	04/21/87	86-0857	The Horvitz Company
Mack, Phil Pile driver	01/08/87	86-0652	National Engineering
Morman, Gwen Laborer grade checker/dumpman	04/30/87	86-0857	The Horvitz Co.
Perry, Rita D. Operating Engineers	02/18/87	86-0857	The Horvitz Company
Piller, Lane Pile driver	01/28/87	86-0652	National Engineering & Contr. Company
Rogers, Michelle Laborer	03/30/87	86-0652	National Engineering & Contracting
Sapienza, Debra Operationg Engineer	04/28/87	86-0652	National Engineering & Construction Co.
Simon, Linda Operating Engineer	04/27/87	84-1004	Great Lakes Construction
Snyder, JoSandra Operating Engineer	02/11/87	85-0779	The Horvitz Company
Swansinger, Patrica Laborer grade checker/dumpman	04/22/87	86-0857	The Horvitz Company
Thompson, Terrence L. Carpenter	04/13/87	86-0532	The Great Lakes Construction Co.

Mayes, Nina Marie Laboreer (Carpenter Helper/Concrete Puddler	06/22/87	84-1004	Great Lakes Construction
Hart, Laura Laborer	02/06/87	86-0532	The Great Lakes Construction Company
Guarrzo, Irene Iron Worker	03/10/87	86-0652	National Engineering & Const. Co.
Chaney, Linda Laborer	04/22/87	86-0674	The Great Lakes Construction Company
Huston, Pat Laborer	04/29/87	86-0674	The Great Lakes Construction Co.
Jordan, Jammisea Laborer	01/14/87	86-0674	The Great Lakes Construction Company
Gross, Sharon Laborer	03/23/87	86-0673	Calabreese/SS
Laster, Leonard Cement Mason	05/04/87	86-0673	Calabreese/SS
Fleegle, Patricia Laborer	04/29/87	86-6002	The Ruhlin Company

/ /

REPORT OF INVESTIGATION

COMPLAINANT: Linda J. Chaney

COMPLAINT NUMBER: Unnumbered

DATE OF COMPLAINT: May 7, 1987

RESPONDENT: Great Lakes Construction Co.

BASIS OF COMPLAINT: Charging Party states that her civil rights were violated on the basis of race (Black) and sex.

SPECIFIC ISSUES: Charging Party alleges that while working in a training status with Great Lakes Construction Company she was unjustly fired without benefit of due process, specifically timely notice.

INTERNAL INVESTIGATION RESULTS

TELEPHONE INTERVIEW WITH CHARGING PARTY - LINDA J. CHANEY:

Charging Party makes the following statements:

1. I worked only 4 days and received no training.
2. "Doug" and "Rick" helped me, but did not train me.
3. At the time of hire, I did receive a book on safety and a copy of the work rules.
4. On the first day on the job, I wore tennis shoes. "Doug" told me to get safety shoes. I borrowed money and bought them and wore them the next day. "Doug" made the comment to me: "Oh I see you got new shoes." (Attachment "A")
5. On a work site - a bridge location - Doug had me on one side of the bridge cleaning out rocks and debris. On the other side, he had four (4) white males and 2 black males working. After awhile, he came and got these six men and took them to another work area without saying anything to me.
6. When I completed my task, I looked around for further instructions, but I could not get Doug's attention.

7. Shortly thereafter, Dennis (the superintendent) came up to me and said: "Didn't Doug tell you to go with the men to the other location?" I said: "No". Dennis simply said: "Well, I'm going to have to let you go". I said: "Why?" He said: "Unsatisfactory performance." He offered to take me to the bus stop, but I had my car that day. He paid me off and said: "Why don't you try to get into plastering or asphalt?"

8. Their own rule book calls for a written warning which I did not receive. I thought I was doing OK even though I received no training from Doug.

NOTE: The EEO Investigator asked Ms. Chaney if she would still feel discriminated against if she knew that a Black female replaced her. She said: "No, but I feel they are just trying to keep up their quota".

REVIEW OF PAPERWORK/RECORDS FROM GREAT LAKES CONSTRUCTION COMPANY

Respondent answered a 26 item questionnaire about its operations as well as submitted documents and answered a 14 item Request for Production of Records (Attachment"B").

Significant items in those responses merit attention:

ITEM: DENNIS SPRAGG, Respondent Construction Superintendent, provided an affidavit (Attachment "C") in which he:

A. Denied that Charging Party ever showed up at work with safety shoes as directed.

B. States that on "three separate occasions he showed Ms. Chaney how to operate a 35 pound jackhammer apparently without her ever learning how to achieve this skill".

C. States that "Charging Party did not even make the effort to move to another work site at the bridge and her work was getting worse."

ITEM: DOUGLAS H. MCDOWELL, Labor Foreman for respondent, provided an affidavit (Attachment "D") in which he:

A. States that Linda Chaney reported to work in tennis shoes for at least two days.

B. States that he personally showed Ms. Chaney how to run the chipping hammer four different times.

C. States that "I instructed Ms. Chaney to go wherever the crew goes, move with the crew as they move from deck to deck".

ITEM: Letter from The Great Lakes Construction Company to District 12, Ohio Department of Transportation, dated February 2, 1987 in which John E. Germovesk, Jr., Compliance Office for the company accepts the Training Special Provision as it applied to Project 674. (Attachment "E")

ITEM: Respondent's Company Rules and Disciplinary Action booklet calls for oral warning for inability to do the work required after receiving reasonable instructions and for failure to wear appropriate clothing or footwear. (Attachment "F")

ITEM: Respondent submitted document reflecting that they hired a minority female as a replacement for Charging Party. (Attachment "G")

SUMMARY

Safety Work Shoes: On 6/25/87, Charging Party provided a sales slip (proof of purchase) (Attachment "A") from Payless Shoes dated 4/23/87 in the amount of $20.01 of which $16.99 was for Item Lot #56971610 which represents work boots. This document would tend to call in question the affidavit statement of Dennis and McDowell which declares that she did not wear the safety shoes when directed to do so.

Unsatisfactory Performance: Respondent claims that the average labor trainee can learn how to jackhammer in approximately ½ hour. It is noted that the Training Special Provision accepted by them makes no such time assessment for this type training. For comparison purposes of this item, a review was made of the 1974 Revision OJT for Laborers under FHWA Order Interim 7-2(2) prepared by the Ohio Laborers' Training Operators & Upgrading Trust Funds was made with the following results: Power Tool Operators are to receive a total of 700 hours. A similar review was made of the OJT Pre-Approved Program Guide 1986 edition from the Michigan Department of Transportation. It showed that for Power Tool Operators, the total required training time is: 750 hours. While there is room for interpretation of these training guidelines, it certainly would be stretching the imagination to show a relationship between ½ hour and 700 to 750 hours.

CONCLUSION

Contractors accepting work under our affirmative action guidelines, particularly when Training Special Provisions (TSP) applies, have a special responsibility to exercise "extra" time and care in developing a trainee to the work skill level that is desired. Nothing in the response of the respondent suggests that any singular effort was given to the Charging Party to support her during the first few days of her employment. Firing a trainee within 4 days under the circumstances represents the appearance if not the reality of lack of good faith in complying with the spirit of the TSP. Documents to the contrary, as submitted by respondent, must not be permitted to excuse the respondent for not giving adequate training to this new employee.

Further, its own OJT Training schedule for labor trainees shows that for the first 50 hours no actual operation of the equipment is suggested.

Any affirmative action plan that is accepted by a contractor automatically directs that contractor to conduct an affirmative posture in handling trainees. In essence the contractor has a prevailing responsibility to train the trainee.

Hiring a minority female to replace Charging Party does not exempt the contractor for its mishandling of training, supervision and discipline of the Charging Party.

RECOMMENDATION

I find that respondent has not adequately substantiated its denial of the discrimination charges. The most damaging document that leads to this conclusion is the fact that Charging Party was able to produce the document which shows that at some expense to her, she went and purchased shoes as directed.

ut5

Richard F. Celeste/Governor
OHIO DEPARTMENT OF TRANSPORTATION
25 South Front Street
P.O. Box 899
Columbus, Ohio 43216-0899

August 10, 1987

Ms. Linda Chaney
1731 Coit
E. Cleveland, Ohio 44112

Re: Linda Chaney vs. The Great Lakes Construction Company

Dear Ms. Chaney:

This letter refers to your unnumbered Discrimination Complaint Form in which you charged The Great Lakes Construction Company with violating your civil rights on the basis of your race (Black) and sex (Female).

Although we have completed our investigation into this matter with a determination that your complaint has merit, we lack authority to directly intervene or otherwise order relief in the situation.

Nevertheless, as we did in our letter of May 19, 1987 to you, we again advise you of your right to pursue this matter through other equal employment opportunity enforcement agencies such as The Ohio Civil Rights Commission (OCRC) or The Equal Employment Opportunity Commission (EEOC). Again, we must advise you that to file either of those agencies you must do so within 180 days of the time of the alleged violation that you wish to complain about.

For your information and use, if you desire to do so, we again enclose the addresses of those agencies as well as provide you a copy of our Report of Investigation.

EXHIBIT 5

We trust that we have been of some assistance to you in this matter, but if we can be of any further help please call us at (614) 466-1163 Monday through Friday from 7:30 a.m. to 4:30 p.m.

Very truly yours,

Sharon Austin
Sharon R. Austin
Deputy Director
Human Resources Development

SRA:iml

Enclosure

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

OFFICE OF
THE ADMINISTRATOR

RECEIVED MAR 12 1986

March 7, 1986
IN REPLY REFER TO
HCR-10

Ms. Marilyn Tobocman Sobol
Project Director
The Women's Action Agenda in Employment
1101 Euclid Avenue, Suite 400
Cleveland, Ohio 44115

Dear Ms. Sobol:

Your letter of January 28 to Secretary of Transportation Elizabeth Hanford Dole which enclosed a copy of the report entitled "A Study of Employment of Women in State Funded Construction Road Blocks Not Road Work" has been referred to the Federal Highway Administration (FHWA) for reply.

Our FHWA Region 5 Office is responsible for monitoring contract compliance activities in the State of Ohio. We are referring this matter to that office. The staff of the FHWA Region 5 Office has scheduled its annual review of Ohio Department of Transportation's (ODOT) equal opportunity program for September, and we have requested them to give special attention to ODOT's contract compliance program and relevant issues raised in your report.

We appreciate your concern about the nontraditional employment of women on highway construction projects, and we will continue our efforts to ensure that requirements for the participation of women are met in the highway construction industry.

Sincerely yours,

Ray Barnhart
R. A. Barnhart
Federal Highway Administrator

EXHIBIT 5

RECEIVED SEP 21 1987

US Department
of Transportation

**Federal Highway
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

In Reply Refer To:
HCR-10

Ms. Marilyn Tobocman
Project Director
The Housing Advocates, Inc.
530 Euclid Avenue
Cleveland, Ohio 44115

Dear Ms. Tobocman:

This is in response to your August 20 Freedom of Information Act request regarding the result of a 1986 or 1987 annual review of the Ohio Department of Transportation's (ODOT) Equal Employment Opportunity (EEO) Program.

We have been in contact with our Region 5 Office in Homewood, Illinois, and learned that no 1986 or 1987 on-site review of ODOT's EEO program has been conducted.

We only have a two-person staff in our Homewood Office (one is a new employee in the EEO program). This lack of personnel has severely limited that office's activity.

Nevertheless, we have requested that our Region 5 staff conduct a priority review of all matters involving the employment of women in Ohio's District 12 on Federal-aid highway projects as soon as possible.

If you have any further questions or added information, please contact:

Mr. Herbert H. Henderson
Office of Civil Rights
Federal Highway Administration
18209 Dixie Highway
Homewood, Illinois 60430-2294
Telephone: 312/799-6300

We appreciate your bringing this matter to our attention.

Sincerely yours,

Edward W. Morris, Jr.

Edward W. Morris, Jr.
Deputy Director, Office of Civil Rights

EXHIBIT 7

NEW
NON-TRADITIONAL EMPLOYMENT FOR WOMEN

105 East 22nd Street
Room 710
New York, New York 10010
(212) 420-0660

November 24, 1987

Honorable Howard Metzenbaum
United States Senate
140 SROB
Washington, D.C. 20510

Dear Senator Metzenbaum:

Please consider the enclosed remarks, our contribution to the hearing you recently held on the subject of women in non-traditional. I understand that your primary interest is in states' compliance with Federal highway regulations. Our opinion of New York's implementation of those regulations is quite low. Very few women hard hats ever realize their goal to work on road jobs. The State has been unable to mount an effective affirmative action program, in spite of many advocates efforts to make it happen.

We appreciate most sincerely your efforts to explore this problem and urge you to be firm in seeing that a resolution is realized.

Sincerely,

Mary Ellen Boyd

Mary Ellen Boyd
Executive Director

MEB:aj
Enclosure

Board of Directors
Sylvia A. Law
President
Isaiah R. Rivera
Treasurer
Mary Ellen Boyd
Secretary
Lois Weisel
Founding Member
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Josie Varian

TESTIMONY

Mary Ellen Boyd
Executive Director
Non-Traditional Employment for Women

1987

Non-Traditional Employment for Women

My name is Mary Ellen Boyd. I am the Executive Director of Non-Traditional Employment for Women. I am testifying on behalf of NEW as well as the hundreds of women hard hats who are graduates of our program and who work in construction.

NEW is a nine year old employment and training organization serving economically disadvantaged women who want to become blue collar workers. Every year, almost 300 women who are on welfare and who are the heads of households, are assisted through NEW. NEW has worked successfully with them to find jobs, training, and apprenticeship opportunities in occupational areas still dominated by men. The women have been trained in the building trades, electronics, building maintenance, ophthalmics, telephone installation, business machine repair, and other trades. NEW staff place seventy percent of all enrollees into jobs which pay an average wage of $10.00 per hour. Of the estimated 500 to 600 women hard hats in New York City, NEW is responsible for the training and hiring of over 80 percent of them. NEW women have become sheet metal workers, carpenters, plumbers, ironworkers, electricians, painters, and lathers.

For the past few years, millions of Federal and State funds have been spent in New York to build, roads, bridges and tunnels. Thousands of jobs were created to get the work done. Few women hard hats benefited from the plenty. Road construction in New York remains a "no-women's" land. And, the catch-22 of construction-no job without a union card-and no card without a job--- remains unchallenged.

Life for a woman hard hat in 1987 is constantly demanding. Getting that first job is a labyrinthian exercise designed to discourage. While over a hundred women a year stay with our program to look for work, hundreds more become discouraged and don't persist.

There are three routes in New York City by which a woman could land her first job in construction: as a laborer, a trainee, or an apprentice. On paper, getting a laborer`s job is the easiest. The employer has the right to hire anyone to be a laborer. If the site is covered by a union contract, the person hired has one week to join the laborers' local union. With NEW staff, women go from construction site to construction site, shaping-up, the method by which laborers present themselves for hire. Each year, over one hundred women from NEW shape up at sites looking for work. Last year only 17 were hired as laborers.

To become a trainee is a more complex process. A trainee is supposed to be equal to an apprentice in all respects, except that she or he is not a member of a local union and has no presumptive rights to a journey-level union card. In New York City, women who are interested in the skilled trades but who are unable for one reason or another to enter an apprenticeship program apply to the New York Plan for Training. Having filled out a form identifying three trade choices for jobs, most women wait to be called. Women enrolled in NEW, however, actively look for work under our supervision. Together, we find trainee jobs. Last year out of approximately one hundred women from NEW who had registered with the Plan, only 21 went to work as trainees.

And finally, the apprenticeship option. Most of the skilled trade unions join with an association of employers from within their respective industries to form joint apprenticeship committees (JAC'S). The committees are required by federal and state regulations to develop and maintain selection processes that will assure equal opportunity. Joint apprenticeship committees recruit on an as needed basis, some once each year, others continuously. Under recently published rules from the New York State Department of Labor, the JAC's are required to notify groups representing women and minorities thirty days before recruitment begins. Women apply. Few are selected.

Women hold only three percent of all skilled trade apprenticeships across the country, and three and a half percent in New York City. While no national statistics are available on the number of trainees, we do know that as of August, 1986, eighty-four of 326 trainees working in New York City were women. As long as training for construction jobs is offered to such a small number of women, the extreme under-representation of women in the industry will continue. According to the Bureau of Labor Statistics, there are over 3,000,000 construction workers in the United States, and

120,000 in New York City. Nationally, women constitute one and a half percent of the hard hats, and they are two percent of the construction work force in New York.

To say that there are so few women in this industry because they do not apply is to beg the question. In 1972, the Maritime Administration began requiring that shipbuilding contractors adopt goals and timetables to hire more women. The Maritime Administration noted that as more women were employed, more applied. This example is particularly relevant because the jobs in shipbuilding -- welders, sheet metal workers, steamfitters, etc .-- are comparable to jobs in construction. As women discovered that they had an equal chance of being hired, they applied in greater numbers. In at least one shipyard, six years after goals and timetables were adopted the applicant flow was "running at the rate of the normal work force rate of women in that area, greatly exceeding the 20 percent entry level goal originally set."

In 1973 American Telephone & Telegrahp, the Bell Division, set a 38 percent goal for women in all trades in which women were under-represented. From January 1973 to January 1977, "women in outside skilled crafts in AT&T rose in actual numbers from 38 to 970," a thirtyfold increase.

Apprenticeship selection processes, while under the scrutiny of the State, vary enormously. Most JAC's now use aptitude tests, combined with interviews and ratings of an applicant's work and educational history. Some give physical strength tests. One JAC has a window of opportunity, or one might say, a moment of chance, which opens for only a 24 hour period every year or two. An applicant's request must be registered and postmarked within that one day. All other requests are ignored. In 1986, 200 women applied to that JAC for acceptance. Twenty six were admitted. Another local apprenticeship program requires all applicants to climb a steel I-beam, cross another, and descend a third. Observing this exercise was instructive. Most young white men scaled the beam with ease, most young men of color and women did not. When asked why they had no difficulty, several white climbers revealed that they had been taught to do it on a construction site by a friend or relative. Incidentally, this climb, which we now know is an easily required skill, is used by that apprenticeship program as a disqualifying determinant. An applicant can pass all other requirements but be denied acceptance for failing to climb the beam.

Finally, the interview remains the most subjective part of the process. Women report to NEW that they are asked questions about what their husbands think of their working in construction, who will mind their children, how they will handle harassment, why such pretty and feminine women want to do this work, and couldn't they find something else to keep them busy? Getting in the door is not easy.

Once on the job, working conditions for women hard hats require great fortitude and perseverance. Isolation is often the rule. Rarely do we find more than one or two women on construction sites populated with hundreds of men. The women are separated, usually by trade or crew. They don't work together and frequently can't break or eat with each other. They are in a man's world and not especially welcome.

The men show their displeasure at having to share their high-paying jobs with women in an almost endless display of distasteful and sometimes dangerous pique. Women from NEW have been injured by outright acts of violence. Others have been hurt by tricks played on them. One Cement Mason's boots were cut up each time she left them at work, and so, unlike the men, she carried her concrete covered boots home every night.

Women's changing rooms are frequently the target of obscene graffiti, pornographic pictures, and peep-holes bored into the walls. Women have reported incidents of frequent verbal abuse. When advised to report these violations to their bosses, too often it is their bosses who are the perpetrators.

Construction is still like a frontier-land for men who have been socialized to believe that fearlessness, strength, and agility are traits unto themselves. It is a painfully slow educational process disengaging men's machismo from their jobs.

To attain equity in the market place, we must start where the problem begins. Parents and schools must diligently guard children from moving into narrowly defined paths. The communications media must be made conscious not only of the graphic images they create, but of their written messages as well. The country has done much better in presenting white collar, professional role models. Girls see images of women doctors, lawyers, scientists in the media and in their lives. We must do as much for future carpenters, plumbers, and crane operators.

All of this must begin for children before adolescence. While our agency has speakers programs, it is a fractional effort in need of shoring-up. Tradeswomen, when available, address elementary school classes about the rewards of non-traditional work. But this meager effort, left unsupported, will reach few children.

To create an ever increasing pool of women ready to enter the construction trades, ready to be role-models for little girls, vocational high schools must actively recruit and support female applicants and students. School boards and administrators must develop policies and practices which support affirmative action and discourage the maintenance of any all male, or for that matter, all female systems.

Vocational counselors should be added to the staff of intermediate and junior high schools to better advise young girls about career choices. Principals of vocational high schools should group girls in non-traditional classes to avoid isolation and reduce harassment. Women administrators and instructors should be hired, not only as beacons for the girls but as sensitizers for the boys. Girls' facilities should be built and their security should be assured.

Much needs to be changed in the apprenticeship system. One of the most prevalent misconceptions about apprenticeship programs is that they are the sole domain of unions. The fact is that employers by law are equal partners on all apprenticeship committees with unions. Employers must begin to shoulder this responsibility and to exercise their equal authority in administration. For too long they have looked away when issues of equal opportunity have arisen.

Apprenticeship programs and outreach efforts must be undertaken to increase the number of women applicants. If aptitude testing is to be used, the tests should be validated to show no adverse impact on women and minorities. One such test, now being used, is the Specific Aptitude Test Battery developed and approved by the U.S. Department of Labor.

JAC's should be reminded that applicants for apprenticeship, by definition, are unskilled people seeking an opportunity to learn a trade. To establish entrance requirements which measure or credit past work experiences and educational attainment would seem to suggest that an apprentice needs to be more than a novice. Interestingly, the establishment of these more demanding requirements corresponded with the advent of minority and women applicants. One could conclude that the cross-bar was raised because the color and shape of the contestants changed! Prior to the 1960's, young 18-year-old boys, sons and nephews of mechanics, came to work alongside their relatives, without tests, without a review of their academic prowess, and probably without having completed an application. Today, once privileged entrants sit and judge applicants by a standard to which they never had to measure up.

Now that the Supreme Court has ruled that employers can voluntarily establish affirmative action programs to correct gender and race imbalances in their work force, the last excuse for change has been removed. When it comes to construction, there is much imbalance to correct. Contractors, on their own or through their joint apprenticeship committees, should establish outreach and recruitment programs which encourage young women to apply. Announcements for jobs and apprenticeship opportunities should state clearly that women are especially welcome. Goals and timetables designed to redress the imbalances should be set and met.

If there are skilled trades in which a valid case can be made for some specialized knowledge to be a prerequisite for admittance, then contractors should provide training programs for women and minorities to acquire such knowledge. The government, too, should assist contractors to provide pre-training or remedial training to assure that the qualified pool of applicants is representational of the labor force.

Selection processes which result in all or nearly all male apprentice classes must be reevaluated. Administrators of apprentice programs should look only for skills needed by an apprentice on day one, not for skills needed several months later. Interviews,if used, must be standardized, asking only questions which relate to work and aptitude. Interviews should be tape recorded, or representatives from advocacy groups should be invited to observe.

Contractors must prepare their on-site managers to work with women hard hats in their crews. Surrounded by the traditions of construction, it is a challenge for a construction manager to have a work force of three hundred men and one or two women. Until the imbalance is corrected, senior management must provide on-site staff with information about the civil rights laws, techniques for handling emotionally charged scenes, methods of approaching hostile men who refuse to work with a woman, and so on. Shop stewards and union officials have much to be educated about, as well, regarding their responsibilities under equal opportunity laws and about their need to treat women as full-fledged members of the rank and file.

In terms of equal opportunity, women in construction need no new laws. Enforcement of those which exist would increase by a hundredfold the numbers of working women hard hats. There are executive orders at the Federal, State and

City level which purport to seek equity for women. As mentioned earlier, Executive Order 11246, alone, requires federal contractors to make good faith efforts to meet a 6.9 percent goal for women in every trade on all their jobs. NEW staff has never seen a construction site with women constituting 6.9 percent of the hard hatted work force. New York State and City executive orders are equally unenforced.

Laws and regulations, too, seem to be ignored. In 1978, the U.S. Department of Labor issued amended equal employment regulations for apprenticeships. To correct the gender imbalance within the skilled trades the regulations instructed sponsors to establish hiring goals for women that reflect half the percentage of women in the local work force. For New York City that year, the goal would have been over 20 percent. Of course, goals such as these were never attained, and perhaps never even set.

Organizations such as NEW must be helped to flourish. Women need to hear about all opportunities available to them to earn a living. They need the support of agencies dedicated to assuring that they are well prepared for all of the demands, physical, intellectual, and psychological, of being pioneers in a blue collar world. Non-traditional Employment for women is a nine year old employment and training program for women who want to become blue collar workers.

NEW has trained women and helped them find jobs in technical careers such as building maintenence, oil burner repair, and air conditioning and refrigeration. NEW women have also been indentured in apprenticeship programs as electricians, carpenters, sheet metal workers, and many others. Last year, NEW women were placed in jobs earning an average wage of $10 per hour.

NEW provides a structured combination of experiences: orientation seminars, counseling services, construction site shape-ups, skill training, and direct placement services. Many women, especially those who work in the construction industry, view NEW's offices as their hiring hall. When they are without work, they check in with NEW to see if jobs are available.

There are critical elements necessary to the success of a non-traditional training program for women. Programs must have recruitment and selection processes which cast an information net far and wide so that all women hear about the potential opportunities. Conversely, the program must also implement a selection process which eliminates all but those who are truly able to be non-traditionalists. Both elements are critical. The word must be spread to all so that the numbers of interested applicants are increased and so that equal opportunity is assured; however, programs must develop the capability to identify those who have not only the desire to be non-traditional workers but also the aptitude and potential stamina for the demands of being a non-traditional worker. At NEW, to spread the word we place notices in welfare checks, use public service announcements, make presentations at schools and other gathering places, and have recently benefited by media attention. To select those most likely to succeed, we use a two-appointment intake interview, and then ask the applicant to shape-up with us for two weeks straight. We help applicants to arrange their day-care and other family matters before they begin to shape. The demands of shape-up, early morning hours, physical exercise, psychological stress (hoot-calls, obscenities and out and out nastiness), and just the daily routine, will let applicants know what the hard hat world is really like. By the end of the two weeks, fifty percent of those who began have changed their minds. We then have the women who are most likely to endure.

The second critical element of a non-traditional program is designing a curriculum which will increase the chances that a women will endure the world of non-traditional work. In addition to all of the basic skills training, a non-traditional training curriculum must include a course designed to help women develop awareness of gender-related expected behaviors--how they see themselves and how men and some other women expect them to "behave", a course in women's history and Black and Latin history to engender self-awareness and self-esteem, a course in the law to protect their rights, a course in physical fitness to increase strength and stamina, and a course in nutrition to help them feed their fit bodies. These courses, combined with shop, math, tool recognition, trade exploration, and blue print reading constitute a comprehensive preparation program. Our women graduates are ready on day one in all respects.

The third critical element of a successful program involves the most difficult challenge to a non-traditional program. It is designing a strategy to change the market place. We have readied the women and identified the occupations. Now we must convince the industry not only that they can't keep qualified applicants out, but that they have an obligation to right the imbalances in their workforce.

Traditional job development strategies can't be used in isolation. Our efforts are directed at developers, contractors, and unions. We write letters; we hold meetings; we find friends of friends or wives of owners who will speak on our behalf; we do everything we can think of using moral suasion. When that fails, and it often does, we turn up the heat.

We send copies of our letters to employers to OFCCP, and other State and City regulatory agencies. We shape particular sites which have no women workers over and over again. I telephone the corporate head every week. It is official nagging at it's best.

Finally, if all else fails we file compliants with EEOC and we get a lawyer. Litigation is not a strategy to use frequently but it cannot be a strategy that is never used.

Making these changes in a market place that has excluded women for so long will sometimes require bold actions.

Successful litigation is an economic lesson for contractors. It costs millions of dollars to defend against a sound charge of discrimination. Of course, it would not have taken millions of dollars to hire women for 7% of the jobs on a given site.

What will the turn of the century look like for women in or looking to be in non-traditional work? I think it looks very promising. Not only has the momentum begun to pick-up for programs like ours in the last few months, but, every year we see fewer and fewer sons and nephews of tradesmen looking to be apprentices. Skilled trade mechanics, also by and large white males, want their sons to be doctors, lawyers, engineers, etc. The pressure to turn these jobs over to their offspring has lessened. Coupling this with an increased awareness afield that women can do the work and want to be skilled trade workers, we should be able to predict a postive movement.

Looking to our friends in leadership positions in employment and training, though, we urge them to advocate for more funding and more programs like NEW. The future can't be left to the unregulated market forces.

Without programs which provide extraordinary intervention, women will remain underpaid, underemployed, and under-utilized. Society will leave untapped more than 50 percent of her resources. Children will be left with uninspiring images of women dependent on welfare or on men, not because women don't want to work, but because the system keeps them from work which would make them independent. The pursuit of equality involves much more subtle issues now. But in some measure, it is still as much a question of freedom and rights as it was in 1900. When we entered the twentieth century, men were secretaries, and women, for the most part, worked at home for no pay. In the year 2000, most of us will be out of our home, working for wages. What jobs we get and what pay we receive will be greatly determined by how hard we work for true equality.

Senator **Metzenbaum**. Thank you very much.

That concludes the hearing. We are grateful to all of you who have participated today.

Thank you very much.

[Whereupon, at 11:55 a.m., the subcommittee was adjourned.]

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